



**DEVASWOMS**  
**IN**  
**TRAVANCORE**

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# INTRODUCTION

## THE STATE AND THE SRI PADMANABHASWAMI TEMPLE.

1. Travancore has been ruled by an unbroken line of Hindu Kings from earliest times, and throughout the centuries it has retained its character as a Hindu State. The State stands in a unique position in regard to the Hindu Religious institutions in this country. During the middle of the 18th century Maharaja Marthanda Varma who is known as the founder of modern Travancore subjugated the petty chieftains who ruled large parts of the country and consolidated the State. The most important temple in the State then as it is now was the temple of Sri Padmanabhaswami the tutelary Deity of the Royal House of Travancore. The temple was richly endowed, had very extensive lands and was originally governed by a Synod of eight hereditary trustees and the King, the King having only half a vote. Gradually the King secured more and more control and by the beginning of the 18th century the Yogam or Synod was ousted and the administration of the temple passed entirely into the hands of the Sovereign. After the conquest of the petty chieftains and the consolidation of the State, Maharaja Marthanda Varma dedicated the State to Sri Padmanabhaswami by a formal and solemn act of dedication in January 1750. The Maharaja thereafter assumed the title of Sri Padmanabha Dasa, servant of Sri Padmanabha ; and since then this has formed part of the title of the Rulers of Travancore, who act as servants and agents of the Deity. The theocratic character thereby stamped on the constitution of the State has never since been lost sight of by succeeding Sovereigns. The character of the administration and the attitude of the Government towards Hindu Religious institutions have been



materially influenced by this conception of the State, with the result that the Devaswom administration was inextricably mixed up with the State administration for nearly two centuries. Rightly or wrongly a large section of the public believed that the State belonged to the Deity and its administration was conducted by the Sovereign on behalf of and as the servant of the Deity. The properties of the State have since been recorded as Pandaravaga (belonging to the Deity) and for the well being of the State it was considered to be the paramount duty of the Sovereign to make contributions towards the expenditure for religious ceremonies and for the Sri Padmanabhaswami temple. It has been the unbroken practice during the last two centuries for the State to make contributions from the general revenues for these purposes.

2 The Sri Padmanabhaswami temple has separate properties and endowments and a separate establishment of its own, and has always been directly administered by the Sovereign. It has all along been regarded as a separate institution unconnected with the other Devaswoms managed by the State. Of the three categories into which Devaswoms may be classified this temple must be treated as belonging to one category. It has a separate administrative machinery of its own. It owns separate landed properties and the whole management and supervision of the temple vests in the Sovereign, who appoints the necessary establishment and arranges for the due performance of service. Under the Maharaja the administration of the temple is now carried on by a Kariakar assisted by a number of clerks and accountants.

lands. They lie scattered in the taluks of Thovala, Agasteeswaram, Kalkulam, Vilavancode, Neyyattinkara, Trivandrum, Nedumangad and Chirayinkil. The revenues from these lands are collected by the Sanketham and Melkanganam Departments. These Departments are under the direct charge of two Tahsildars styled as Sanketham Tahsildar and Melkanganam Tahsildar holding their offices at Padmanabhapuram and Trivandrum respectively. They are under the administrative control of the Trivandrum Division Peishkar like other Taluk Tahsildars and are empowered to exercise powers under the Revenue Recovery Act to realise the revenue due to the temple. The jurisdiction of the Sanketham Tahsildar relates to the Sri Pandaravagai lands in the taluks of Thovala, Agasteeswaram, Kalkulam and Vilavancode and that of the Melkanganam Tahsildar to such lands in the taluks of Neyyattinkara, Trivandrum, Nedumangad and Chirayinkil. The Sanketham Tahsildar has nine sub-offices called Maniyams, each in charge of a Manikar assisted by a number of accountants; and the Melkanganam Tahsildar has seven sub-offices called Melkanganams, each in charge of a Melkanganakar also assisted by a staff of accountants.

4. The expenses in the temple are mainly met from the Melkanganam treasury while contributions are made from the Utsavamatom, the palace and the Kandukrishi funds. A separate allotment in the State Budget was provided for the purpose.

5. The Utsavamatom which includes the Agrasala (Choultry) as well is a very ancient institution whose exact origin is lost in antiquity and is therefore difficult to be traced. This institution is responsible for the conduct of the daily feeding in the Agrasala inside the Sri Padmanabhaswami temple on ordinary days and of feasts on a large scale on festive occasions like

supply of articles to the temple, Palace, etc., fixed in quantity as per Pathivoos or as per orders passed from time to time. It is also an institution of charity. The expenditure in respect of the above mentioned supplies and charity is debited under special heads in the budget of the Utsavamatom. Till the year 1109 the Utsavamatom was under the control of the Government, the Chief Secretary to Government being the Controlling Officer thereof. From Chingom 1109, the institution was under command of His Highness the Maharaja transferred to the control of the Palace and the Sarvadhikariakar became the Controlling Officer. A full time Officer styled Utsavamatom Kariakar was appointed to be in immediate charge of the institution. The expenditure on account of this institution formerly incurred under the budget head "XXIV Devaswoms Sri Pandaravagai" and "XXV State Charities" was brought under a single head "XXIV Devaswoms" which under the reformed legislature became a non-votable item. For purposes of administration the Utsavamatom is divided into (1) Utsavamatom Office proper and the Stores, (2) Agrasala, and (3) Koncharavila Kanjipura. The Agrasala is an ancient institution in the State. The institution attends to the feeding daily both morning and evening of a large number of Brahmins in the temple.

6. There is a staff consisting of a few clerks and peons for attending to the work in the Palace Office connected with the administration of the Utsavamatom and Agrasala.

### THE STATE AND OTHER DEVASWOMS.

7. The State had only a few Devaswoms under its direct control until a very large number of Devaswoms was assumed for management by the State in 1811. Some of them were founded and endowed by the Sovereigns themselves; some were temples to the management of which the State had succeeded by right of conquest; and some were temples

surrendered by agreement or treaties. But all these Dévaswoms has separate endowments and were separately managed.

8. Before dealing with the question relating to the Devaswoms assumed in 1811, it may be stated at the outset that the whole difficulty in dealing with the Sirkar Devaswoms has arisen on account of the manner in which the properties and income of the Devaswoms assumed in 1811 have been dealt with making it impossible for the State to identify and separate their properties or to render an account of their income and expenditure. The position of the State in regard to these Devaswoms is that of a trustee who has fixed up trust properties with his own. And when it is remembered that the Devaswoms assumed in 1811 form 98 per cent of the Devaswoms under Sirkar management the importance of the question to be dealt with becomes apparent.

9. The vast majority of the Devaswoms in the State were founded and endowed by the people and were managed by Ooralers or trustees and the State had no concern with the management of those temples. Though the State did not interfere in the internal management of these Devaswoms the Sovereign had from ancient days what is called a *Melkoima* right (right of superintendence) over the trustees. The constitution of ordinary Malabar Devaswoms is described in the Travancore Law Reports, Vol. XI at page 197. The trustees of Devaswoms were never regarded as the proprietors of the Devaswom properties. The ownership of the Devaswom properties was all along considered as vested in the Deities themselves and the very expression "Devaswom" means that which belongs to the Deity. This Melkoima right over the religious institutions was exercised in their States from ancient times by the Rulers of Malabar. This right seems also to have existed throughout India. In a case reported in the Travancore Law Reports Vol. VIII page 1, the Travancore High Court has held that in cases of gross mismanagement the Hindu Sovereign had the -

of assuming the management of Devaswoms without recourse to law. It has also to be remembered that the Ruler of Travancore is the spiritual and religious head of the State (see the Decision reported in the Travancore Law Reports, Vol. XXI, page 211). By custom and tradition he exercised large powers in religious and social matters such as adoption, excommunication, and the appointment of temple functionaries. After the consolidation of the State and its dedication in 1750 the administration became strong and centralised and the Sovereign powerful enough to exercise these rights over the religious institutions in the State. There are instances to show that the Travancore Sovereigns used to exercise their right of Melkoima even before the wholesale assumption of Devaswoms in 1811 (see the instances referred to in the Devaswom Separation Committee Report). Instances of the exercise of this Melkoima right have occurred also after 1811. (Instances are referred to in the same report). It was in exercise of this *customary* law which enabled the State under certain conditions to make arrangements for the management of public trusts without resorting to the Civil Courts that the Sovereigns of Travancore assumed the management of mismanaged Devaswoms *till the year 1903*. In that year on the basis of this authority which the Sovereigns used to exercise the Travancore Religious Endowments Act of 1079 (1903) was passed. Since the enactment of this Statute the assumptions of management of Devaswoms by the State have been made only in accordance with the provisions of that Act, and the properties and the income and the expenditure relating to each of the Devaswoms so assumed have scrupulously been kept separate. No difficulty arises in dealing with such Devaswoms whose accounts are kept separate and in relation to which the State occupies the position of a trustee competent to give an account of their income and expenditure. This was not done in the case of the Devaswoms assumed

in 1811 and the peculiarity and complexity of the question relating to Sirkar Devaswoms have arisen wholly on account of the fact that no precaution was adopted by the State of keeping their receipts and expenditure separate from the general revenue and the general expenditure. The State went further and made it impossible to identify or separate the Devaswom lands and finally converted them into Pandarapattom or Sirkar lands for the benefit of the general public.

### CATEGORIES OF DEVASWOMS.

10. It is therefore necessary to classify the Devaswoms assumed for purposes of management by the State into *two distinct categories*. In one category has to be included all those Devaswoms which were assumed in 1811 and whose income and expenditure were mixed up with the State revenue and expenditure and whose properties were treated as Sirkar properties. Since their income and expenditure have been so mixed up they are called *Incorporated Devaswoms*. The Devaswom Proclamations of 1097 (1922) and 1121 (1946) deal exclusively with these Devaswoms and because all the Devaswoms assumed in 1811 are listed in the Schedule to these Proclamations they are also called *Schedule Devaswoms*. The history of the Devaswoms in Travancore is mainly concerned with these Devaswoms and will be dealt with separately.

11. There remain the other Devaswoms similarly assumed by the Sovereign in exercise of the Melkoima right, but in whose case separate accounts for each Devaswom is maintained and the properties, income and expenditure are all separately kept. Some of these Devaswoms were assumed by the Sovereign in exercise of the customary law before 1079 (1903) and some were assumed under the provisions of the Travancore Hindu Religious Endowments Act of 1079 (1903) already referred

All these Devaswoms come under the *same category* because there are separate accounts in respect of each of them. These Devaswoms are called *unincorporated Devaswoms* as their income has not been incorporated with the general revenue and is kept separate. For the reason that they have separate personal deposit accounts with Government Treasuries and are financially self-supporting they are also called *Personal Deposit Devaswoms*.

12. It may be mentioned here that there are a few Personal Deposit Devaswoms administered by the State which do not strictly come under the category of Devaswoms assumed as a result of mismanagement by Ooralers or trustees. The Pattazhi Devaswom within the State and the Kakur, Perumanom, Malayankulam, Elankulam Devaswoms outside the State are such Devaswoms. Each has a history as to how it came under State management. But since all of them are self-supporting and have separate accounts they are treated as Personal Deposit Devaswoms. No problem for solution arises in regard to these Devaswoms. These Devaswoms are treated as private parties in respect of several matters, e. g., grant of copies of records (see Land Revenue Manual, Vol. II, p. 212)

13. Thus there are three categories of Devaswoms under the management of the State. These are as already explained:—

- (1) The Sri Padmanabhaswami Temple ;
- (2) The incorporated or Schedule Devaswoms being the Devaswoms assumed in 1811; and
- (3) the unincorporated or Personal Deposit Devaswoms.

The case of the Incorporated Devaswoms requires more detailed consideration.

## HOW DEVASWOMS ARE ADMINISTERED.

14. Until the year 1097 (1922) when the *Dēvaswom Proclamation* was promulgated and a separate *Devaswom Department* was organised and brought into existence the administration of all the *Devaswoms* assumed by the State, both incorporated and unincorporated, was conducted by the Revenue Department. Since the promulgation of the *Devaswom Proclamation* of 1097 (1922) consequent on the separation of the *Devaswoms* from the Revenue Department the *Devaswoms* have been administered by Government through the *Devaswom Department*. When the *Interim Constitution Act* was passed in 1948 the *Devaswoms* and *Hindu Religious Endowments* were reserved exclusively for direct administration by His Highness the Maharaja. All the *Devaswoms* are now administered by His Highness the Mahārāja the *Sri Padmanabhaswami* temple directly and the other *Devaswoms*, both incorporated, and unincorporated, through the *Devaswom Department* under a *Devaswom Commissioner* appointed by him.

## THE INCORPORATED DEVASWOMS.

15. Reference has already been made to the necessity for dealing with this category of *Devaswoms* in some detail particularly in regard to their right to get contribution from the revenues of the State.

16 As already mentioned most of the *Devaswoms* in the State were founded and endowed by the Hindu public. There is ample evidence to show that the Hindus were contributing liberally towards the construction and maintenance of these temples and were making rich endowments in their favour from time to time. From early days these *Devaswoms* were under the management of a body of persons called *Karak*



treated as Incorporated Devaswoms. About 80 Devaswoms were thus assumed and similarly dealt with. Some of these Devaswoms like Kaviyoor were immensely rich. (See Settlement Final Report, Appendix II, Vol. IV, page 1560).

20. The Devaswoms had also other fluctuating income in the shape of offerings from devotees. There would have been no difficulty and no cause for complaint had the Government been careful in their dealings with these properties and had separate accounts been maintained and the income of these Devaswoms been kept separate. But no separate accounts of the income and expenditure have been maintained except for a few years immediately following the assumption. There was however no intention at first to merge the revenues of the Devaswoms with the revenues of the State. But in course of time as the Devaswoms were administered through the Revenue Department and all the collections credited in the general accounts, Devaswom revenues became indistinguishable from the general revenues of the State. The practice of keeping separate accounts gradually ceased and the properties themselves were in many cases treated as Pandarapattom or Sirkar properties and shown in the accounts as such. Thus after the lapse of some time the income derived from these Devaswom properties became absorbed in the general revenues of the State and the expenses for their maintenance came to be met out of the general revenues. In course of time the properties became incapable of identification and separation.

21. Even so early as 1048 M. E. (1873) about sixty years after their assumption when Dewan, Sir Seshiah Sasti, wrote in his Administration Report for 1048 and 1049 that the State was only a trustee in regard to these Devaswoms, the British Government raised a query whether in that case the revenue derived from the Devaswom lands could not be shown in a separate account in

future. To this he replied: "There is no objection of course, if it could be done, but inasmuch as the collections from the Devaswom lands are treated like and mixed up with the collections from non-Devaswom lands the former could not be shown apart from the latter." He also stated that "the total expenditure on the Devaswoms was more than covered by the total revenue of Devaswom lands assumed whether in 987 M. E. (1811) or at much earlier dates."

22. It may be mentioned in this connection that these Devaswoms were Jennies or landlords in respect of their properties which were leased out to tenants and the rent was mostly collected in kind for the requirements of the Devaswoms. The Devaswoms were subjected to one loss after another in respect of their properties. They were subjected to a loss on account of the administrative reforms between 987 M. E. (1811) and 1081 M. E. (1906) abolishing taxation in kind and substituting money payments at a commutation rate either of 6 chs. or 11 chs. per para of paddy having been extended to the lands from which the Devaswoms were deriving a paddy income. Their right to get an increase of revenue due to extension of cultivation in course of time was also lost (See Government Press Communique of 1922). Though in a series of rulings the High Court held that the assumption of Devaswom lands did not change the character or tenure of those lands and that the Pattom Proclamation of 1040 (1865) which conferred fixity of tenure and proprietary rights on holders of Pandarapattom or Sirkar lands did not apply to Devaswom lands, Government continued to treat Devaswom lands like Sirkar lands and ultimately most of the lands came to be recorded in the Sirkar accounts as Sirkar lands.

23. The question as to the exact legal position of these Devaswoms in relation to the State has come up for consideration

statements of identifiable lands prepared by the Peishkars a provisional net demand was arrived at the attempt at a complete identification failed for reasons already referred to and no further steps in that direction were taken. In respect of this attempted separation it is stated in the Settlement Final Report "that a large number of Devaswom lands has been recorded in the present settlement as Sirkar partly because they had been already so treated in the revenue accounts and partly through mistake, error or misconception." The attempt was therefore given up as impossible.

27. The above proceedings did not satisfy many communities. There was agitation for the separation of the Devaswom administration from the Land Revenue Department. With a view to take the necessary action in the matter the Government, by their proceedings No. D. 952 dated 3rd April 1940, appointed a committee consisting of officials and non-officials, both Hindus and Christians, with directions to report on :

- (1) relation between the State and the Devaswoms, and
- (2) whether it was not feasible to separate the administration of the Devaswoms from the Land Revenue Department.

28. The Committee unanimously reported that the administration of the Devaswoms may be separated from the Land Revenue Department and that it may be placed under a separate new department.

29. With regard to the relation between the State and the Devaswoms the Committee was unanimously of opinion:—

- (1) that the Devaswoms were not confiscated by the State;

- (2) that the object of assumption was the better management of the institutions; and
- (3) that by the merger of the Devaswom revenues with those of the State the Government have incurred an obligation to maintain them efficiently for all time to come.

30. The members of the Committee differed however in one respect though this difference did not affect the general conclusion. The majority held that though the assumption was by virtue of the 'Melkoima' right of the Hindu Sovereign the State was Sovereign proprietor of the Devaswoms and therefore was accountable to none. The dissenting member was of opinion that the assumption was only of management, that the State has in consequence constituted itself a trustee, that the State is under a *legal* obligation to maintain the Devaswoms and that as the trustee has mixed up the trust property with his own the expenditure in connection with the Devaswoms is a valid *charge* upon the general revenues of the State.

31. Government considered it necessary to take legal opinion before finally deciding what action they should take. Accordingly a reference was made to the Advocate General of Madras. The Advocate General agreed with the minority view. According to him the State intervened for the purpose of preventing mismanagement and took charge of the trust properties avowedly for the purpose of carrying out the purpose of the endowments. He pointed out that where the trustee mingles the trust properties with his own the beneficiary is entitled to a charge on the whole fund for the amount due to him. His suggestion to set apart for the upkeep of these Devaswoms that portion of the total land revenue which the Devaswom properties according to the calculation at the time of assumption bore to the aggregate

land revenue at that time was accepted by Government and was adopted in the Devaswom Proclamation of 1097 which was promulgated by the Sovereign on the 30th Meenom 1097 (12th April 1922). The preamble to this Proclamation sets out the various circumstances which necessitated the settlement of the question of management of these Devaswoms in the manner provided in the Proclamation. The Proclamation relates only to the Devaswoms assumed in 987 M. E. (1811 A. D.) as stated in the preamble itself. The Press Communique published along with this Proclamation, after referring to the majority and minority views in the report above referred to, says:—

“The Government of His Highness the Maharaja have taken the necessary legal opinion and have come to the conclusion that the State's assumption of these Hindu Religious Institutions in the days of Col. Munro was an act in the exercise of the traditional right of “Melkoima” inherent in the Hindu Sovereigns of the State and that it was not an act of confiscation. The Government are accordingly under an undoubted obligation to maintain the Devaswoms for all time properly and efficiently especially in view of the circumstance that had all the properties of these Devaswoms been kept separate the progressive income derivable therefrom might have been more or less sufficient to defray all the expenses connected with their efficient management.”

32. The policy laid down in Government Proceedings dated 25th October 1912 of separating Devaswom lands from Sirkar lands and assuring the Devaswoms their full revenue at the next settlement was finally abandoned by this Proclamation and it was enacted in Section 6 of the Proclamation that “all

immovable properties belonging to the Devaswoms shall hereafter to all intents and purposes be deemed to be "Pandaravaga" and dealt with as such." Reference has already been made to the fact that in respect of Devaswom lands the tenants had no such proprietary rights as they had in respect of Pandaravaga or Sirkar lands. There remained a vast extent of Devaswom lands even though considerable portions have been recorded by this time as Sirkar lands. By this provision fixity of tenure was conferred on the holders of Devaswom lands and the Devaswoms, for ever deprived of their right in respect of them. No Schedule Devaswom could therefore lay claim to any land as its own and in fact by the terms of this section even the very sites of the temples became Sirkar lands. The sites of temples, Nandavanams etc. had to be transferred to the respective Devaswoms as Porambokes by the executive orders of Government. It is stated in the Press Communique above referred to that—

created and to reserve to themselves the right to make to the Devaswoms when absolutely necessary additional contributions from the general revenues of the State in any particular year "

Section 7 of the Proclamation accordingly provides that the expenditure in connection with the new Devaswom Department created by the Proclamation shall be met out of the general revenues of the State. One of the objects of the Proclamation being the rectification of the mistake that was done by mixing up State properties with those of the Devaswoms, it was considered necessary to provide that the State shall not be held accountable to its subjects in respect of their administration. Section 9 therefore provided that : "no suit shall lie in any Civil Court against our Government—

- (1) for anything done in relation to the Devaswoms mentioned in the schedule and their properties before the commencement of this Proclamation ; and
- (2) for anything done or purporting to be done in pursuance of this Proclamation." This provision was repeated in the subsequent Proclamation also. His Highness the Maharaja's right to make contributions out of the State revenues towards Sri Pandaravaga expenditure, etc., was left unaffected.

33. For the Devaswom lands thus appropriated by Government provision was made in the Proclamation that an allotment was to be made in the State budget every year for these Devaswoms "*such allotment not being less than 40% of the Ayakut and Sanchayam land revenue of the State.*" It will be seen from Proclamation that the allotment made by the Government from the general revenues is in lieu of the income of the

Devaswom properties that had got mixed with Pandaravaga or Sirkar properties and by the Proclamation converted into Pandaravaga or Sirkar properties. The fixing of a proportion of the total land revenue also prevented the possibility of arbitrary interference from time to time. The proportion was fixed on the basis of the ascertained income from the trust properties on the date of their assumption recognising the right of the Devaswoms to share in the increased income from land revenue at a future land revenue settlement. However as stated in the Government Press Communique of 1922 the legitimate income to which the Devaswoms are entitled from all sources does not seem to have been taken into account in fixing this proportion. The income, for instance, from Cherikkal lands and the properties of Devaswoms subsequently incorporated was not taken into account.

34. Towards the end of 1121 M. E. (July 1946) the Government decided to introduce the basic land tax system at the uniform rate of 4 cash per cent of land or 14 annas per acre in place of the then existing system and to bring it into force at the beginning of the year 1122 (August 1946). The introduction of this system was sure to bring about a substantial reduction of the land revenue and consequently would have entailed a corresponding reduction in the amount that has to be allotted to the Devaswom Fund as per the Devaswom Proclamation of 1097 (1922). To make up for the loss that Government had to sustain by the introduction of the basic tax, Government decided to impose an agricultural income-tax. There was no means at the time of knowing precisely to what extent the land tax would be reduced by the introduction of the new system and how much would be made up by the imposition of the agricultural income-tax. If instead of imposing a basic tax a new Settlement was undertaken, land revenue would have increased to nearly 200% of the then existing land revenue as



taken over in 1811 as mentioned above, have no other funds of their own with which they could be maintained even for a single day. It may also be stated that according to the Government Proceedings dated 25th October 1912, those Schedule Devaswoms constituted over 98 per cent of the Devaswoms managed by the State

38 Simultaneously with the integration of the States of Travancore and Cochin a machinery for the future administration of all these categories of Devaswoms mentioned above, will have to be devised. What that machinery should be is a matter for discussion and settlement

## THE COVENANT

### ENTERED INTO BY THE RULERS OF TRAVANCORE AND COCHIN FOR THE FORMATION OF THE UNITED STATE OF TRAVANCORE AND COCHIN

We, the Rulers of Travancore and Cochin, do hereby, with the concurrence and guarantee of the Government of India, enter into the following Covenant :

*Article 1.* As from the first day of July, 1949, the States of Travancore and Cochin shall be united in and shall form, one State, with a common Executive Legislature and Judiciary, by the name of THE UNITED STATE OF TRAVANCORE AND COCHIN.

*Article 2.* In the succeeding Articles of this Covenant, the first day of July, 1949, is referred to as the appointed day, the States of Travancore and Cochin are referred to as the Covenanting States and the United State of Travancore and Cochin is referred to as the United State.

*Article 3.* As from the appointed day,—(a) all rights, authority and jurisdiction, belonging to the Ruler of either of the Covenanting States which appertain or are incidental to the Government of that State shall vest in the United State; (b) all duties and obligations of the Ruler of either of the Covenanting States pertaining or incidental to the Government of that State shall devolve on the United State, and shall be discharged by it; and (c) all the assets and liabilities of either Covenanting State shall be the assets and liabilities of the United State.

*Article 4:*(1) There shall be a Raj Pramukh for the United State.

- (2) The present Ruler of Travancore shall be the first Raj Pramukh and shall be entitled to hold office during his life-time.
- (3) In the event of a permanent vacancy arising in the Office of the Raj Pramukh by death, resignation or any other reason, such vacancy shall be filled in such manner as the Governor-General of India may prescribe.
- (4) Notwithstanding anything contained in this Article, if the Raj Pramukh is by reason of absence or illness or for any other reason unable to perform the duties of his office, those duties shall until he has resumed them be performed in such manner as the Governor-General of India may prescribe.:

*Article 5.* To enable the Raj Pramukh to discharge conveniently and with dignity the duties of his office, he shall be paid such allowances as may be prescribed by the Governor-General of India from time to time.

*Article 6.* Subject to the provisions of this Covenant, the executive authority of the United State shall be exercised by the Raj Pramukh either directly or through officers subordinate to him; but nothing in this Article shall prevent any competent Legislature of the United State from conferring functions upon subordinate authorities or be deemed to transfer to the Raj-Pramukh any functions conferred by any existing law on any court. Judge or officer or any local other authority in either of the Covenanting States.

*Article 7.* (1) There shall be a Council of Ministers to aid and advise the Raj Pramukh in the exercise of his functions save as provided in Articles 12 and 13.

- (2) The Ministers shall be chosen by, and shall hold office during the pleasure of the Rajpramukh.

*Article 8* (a) The obligation of the Covenantee State of Travancore to contribute from its general revenues a sum of Rs. 50 lakhs every year to the Devaswom Fund as provided for in the Devaswom (Amendment) Proclamation, 1123 M. E. and a sum of Rs. one lakh every year to Sree Pandaravaga referred to in Proviso (A) to sub-section (1) of Section 23 of the Travancore Interim Constitution Act 1123 M. E., shall, from the appointed day, be an obligation of the United State and the said amounts shall be payable therefrom and the Raj Pramukh shall cause the said amounts to be paid every year to the Travancore Devaswom Board and the Executive Officer (referred to in sub-clause (b) of this Article) respectively.

- (b) The administration of Sree Padmanabhaswamy Temple, the Sree Pandaravaga properties and all other properties and funds of the said temple now vested in trust in the Ruler of the Covenantee State of Travancore and the sum of Rs. One lakh transferred from year to year under the provisions of Clause (a) of this Article, and the sum of five lakhs of rupees contributed from year to year towards the expenditure in the Sree Padmanabhaswamy temple under sub-clause (c)

of this article, shall, with effect from the first day of August 1949 be conducted, subject to the control and supervision of the Ruler of Travancore, by an Executive Officer appointed by him. There shall be a Committee known by the name of the Sree Padmanabhaswamy Temple Committee Composed of three Hindu Members to be nominated by the Ruler of Travancore to advise him in the discharge of his functions Suits by or against the Sree Padmanabhaswamy Temple or in respect of its properties shall be instituted in the name of the said Executive Officer

- (c) The administration of the incorporated and unincorporated Devaswoms and of Hindu Religious Institutions and Endowments, and all their properties, and funds, as well as the fund constituted under the Devaswom Proclamation 1097 M. E. and the surplus fund constituted under the Devaswom (Amendment) Proclamation, 1122 M. E., which are under the management of the Ruler of the Covenanted State of Travancore and the sum of Rs. 50 lakhs transferred from year to year under Clause (a) shall with effect from the first day of August 1949, vest in a Board known by the name of the Travancore Devaswom Board. An annual contribution of five lakhs of rupees shall be made by the Travancore Devaswom Board from the aforesaid sum of Rs 50 lakhs towards the expenditure in the Sree Padmanabhaswamy Temple

- (d) The administration of the incorporated and unincorporated Devaswoms and Hindu Religious

Institutions, which are under the management of the Ruler of the covenanting State of Cochin under Section 50 G. of the Government of Cochin Act XX of 1113 M. E. or under the provisions of the Cochin Hindu Religious Act I of 1081 M. E. and all their properties and funds and of the estates under the management of the Devaswom Department of the covenanting State of Cochin, shall with effect from the first day of August 1949 vest in a Board known by the name of the Cochin Devaswom Board:

Provided that the regulation and control of all rituals and ceremonies in the Temple of Sree Poornathrayeesa at Trippunithura and in the Pazayannore Bhagavathy Temple at Pazayannore shall continue to be exercised as hitherto by the Ruler of Cochin.

- (e) The Board referred to in sub-Clause (c) of this Article shall consist of Three Hindu Members, one of whom shall be nominated by the Ruler of the covenanting State of Travancore, one by the Hindus among the Council of Ministers, and one elected by the Hindu Members of the Legislative Assembly of the United State.
- (f) The Board referred to in sub-clause (d) of this article shall consist of three Hindu Members, one of whom shall be nominated by the Ruler of the covenanting State of Cochin, one by the Hindus among the Council of Ministers, and one elected by the Hindu Members of the Legislative Assembly of the United State.
- (g) Each of the aforesaid Boards shall be a separate body corporate having perpetual succession and

a common seal with powers to hold and acquire properties and shall by its name sue and be sued

- (h) Subject to the provisions of this Article, the constitution, powers and duties of the Boards aforesaid shall be such as may be determined hereafter by law enacted by competent authority.

**Article 9** The Raj Pramukh shall, within a fortnight of the appointed day, execute on behalf of the United State an Instrument of Accession in accordance with the provisions of Section 6 of the Government of India Act, 1935, and in place and the Instruments of Accession of the Covenanted States, and we shall, by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the United State all the matters mentioned in List I and List III of the eleventh Schedule to the said Act, except the entries in List I relating to any tax or duty ,

Provided that nothing in this Article shall be deemed to prevent the Raj Pramukh from accepting by a supplementary Instrument any or all of the entries in the said List I relating to any tax or duty as matters with respect to which the Dominion Legislature may make laws for the United State, and in doing so the Raj Pramukh may specify the limitations, if any, subject to which the power of the Dominion Legislature to make laws for the United State in respect of such matters, and the exercise of the Executive authority of the Dominion in the United State are respectively to be subject

**Article 10** (1) There shall be a Legislature for the United State consisting of the Raj Pramukh and the Legislative Assembly

- (2) All persons, who, immediately before the appointed day, are members of the Representative Body of

Travancore or the Legislative Assembly of Cochin, shall, on that day become members of the Legislative Assembly of the United State.

- (3) If immediately before the appointed day any vacancy exists in the membership of the Representative Body of Travancore or the Legislative Assembly of Cochin, it shall be deemed to be a vacancy in the membership of the Legislative Assembly of the United State, and any such vacancy and any vacancy that may occur after the appointed day shall be filled in the same manner as it would have been filled if this Covenant had not been entered into.
- (4) The Legislature of the United State shall, subject to the provisions of this Covenant, have full power to make laws for the United State, including provisions as to the Constitution of the United State, within the framework of this Covenant and the Constitution of India.

*Article 11.* Until a Constitution framed or adopted by the Legislature comes into operation, the Raja Pramukh shall have power to make and promulgate Ordinances for the peace and good Government of the United State or any part thereof, and any Ordinance so made shall for the space of not more than six months from its promulgation, have the like force of law as an Act of Legislature, but any such Ordinance may be controlled or superseded by any such Act.

*Article 12.* If at any time, before a Constitution framed or adopted by the Legislature comes into operation, the Raj Pramukh is satisfied that a situation has arisen, in which the Government of the United State cannot be carried on in accord-



ance with the provisions of this Covenant, he may, with the prior concurrence of the Government of India, by Proclamation:—

- (a) declare that his functions shall to such extent as may be specified in the Proclamation, be exercised by him in his discretion ;
- (b) assume to himself all or any of the powers vested in or exercisable by any authority or body within the United State ;

And any such Proclamation may contain such incidental and consequential provisions as may appear to him necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending, in the whole or part, the operation of any provisions of this Covenant, or of any other constitutional provisions relating to any authority or body in the United State.

Provided that nothing in this Article shall authorise the Raj Pramukh to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part the operation of any law relating to a High Court.

*Article 13.* Until a Constitution framed or adopted by the Legislature comes into operation, the Raj Pramukh and the Council of Ministers shall, in the exercise of their functions comply with such directions, if any, as may from time to time be given by the Government of India.

*Article 14.* (1) The Ruler of each Covenantee State shall be entitled to receive annually from the revenue of the United State for his privy purse the amounts specified against that Convenantee State in the Schedule :

Provided that the sums specified in the Schedule in respect of the Ruler of Travancore shall be payable only to the present Ruler and not to his successors, for whom provisions will be made subsequently by the Government of India.

- (2) The said amount is intended to cover all the expenses of the Ruler including expenses on residences and ceremonies and shall neither be increased nor reduced for any reason whatsoever.
- (3) The United State shall pay the said amount to the Ruler in four equal instalments at the beginning of each quarter in advance.
- (4) The said amount shall be free of all taxes whether imposed by the Government of the United State or by the Government of India.

*Article 15.* (1) The Ruler of each Covenantee State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him immediately before the appointed day.

- (2) He shall furnish to the Government of India in the Ministry of States before the first day of September 1949, an inventory of all immovable property, securities and cash balances held by him as such private property.
- (3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property, it shall be referred to such person as the Government of India may nominate in consultation with the Ruler of Travancore or Cochin as the case may be, and the decision of the

person shall be final and binding on all parties concerned.

*Article 16.* The Ruler of each Covenanting State, as also the members of his family, shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State, immediately before the 15th day of August, 1047.

*Article 17.* (1) The succession, accordig to law and custom, the *gaddi* of each Covenanting State and to the personal rights, privileges, dignities and titles of the Ruler thereof, is hereby guaranteed.

(2) Every question of disputed succession in regard to a Covenanting State shall be decided by the Raj Pramukh after referring it to the High Court of the United State and in accordance with the opinion given by that High Court.

*Article 18.* No enquiry shall be made nor any action taken by or under the authority of the United State or the Government of India, and no proceedings shall lie in any court against the Ruler of any covenanting State, whether in his personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that Covenanting State.

*Article 19.* (1) The Untied State hereby guarantees *either* the continuance in service of the permanent members of the public services of either Covenanting State on conditions which will not be less advantageous than those onwhich they are serving immediately

before the appointed day or the payment of reasonable compensation or retirement on proportionate pension.

- (2) The United State further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in either Covenanted State to members of the public services (civil and military) of that State, who have retired, or proceeded on leave preparatory to retirement, and the compassionate allowances granted to dependents of deceased members of those services before the appointed day.

*Article 20.* Except with the previous sanction of the Raj Pramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of either Covenanted State before the appointed day.

*Article 21.* Notwithstanding anything contained in the preceding provisions of this Covenant, the Rulers of Travancore and Cochin shall continue to have and exercise their present powers of suspension, remission or commutation of death sentences in respect of any person who may have been or is hereafter sentenced to death for capital offence committed within the territories of Travancore or Cochin as the case may be.

*Article 22.* Nothing in this Covenant shall be construed as preventing the Government of the United State from taking over the administration of the whole or any part of any area included within a province of India on such terms and conditions as may be agreed upon by the Government of the United State and the Government of India.

## SCHEDULE

## COVENANTING STATES AND PRIVY PURSE AMOUNTS

TRAVANCORE	Rs 18 Lakhs
COCHIN	Rs 2,25,000

In confirmation of the above Covenant, we append our signatures, on behalf of ourselves, our heirs and successors

Trivandrum,  
27th May 1949.  
Thrissur,  
29th May 1949

RAMA VARMA  
Maharaja of Travancore  
RAMA VARMA  
Maharaja of Cochin

*The Government of India, hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof, Mr. V. P. Menon, Adviser to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India*

V P MENON  
Adviser to the Government of India,  
Ministry of States

## PRELIMINARY. 11

The Devaswom Separation Committee was appointed by G. O. No. D. 952, dated the 3rd April 1920, the full text of which is reproduced as Appendix I.

The Committee was requested to submit a report on the following points:—

1. What is the position of the Travancore Government in regard to Sirkar Devaswoms? Is it that of a trustee merely, or one involving greater responsibility, seeing that the Devaswom Land Revenue was long ago merged in the General Land Revenue, beyond any possibility of separation? Does not this complete merger render the State liable to maintain the *Devaswoms concerned, out of the public exchequer*, in an efficient condition for all time?

2. Is it not feasible to separate the administration of Sirkar Devaswoms and Oottupuras from the control of the Land Revenue Department, consistently with arrangements to safeguard the efficient management of those institutions and to ensure the maintenance of the constitution of the State, especially with reference to the ceremonies at the capital? If it is feasible, which is the best means of effecting the separation?

3. If the separation may be effected, is the staff suggested in Mr. Krishna Aiyengar's Memorandum, sufficient to administer the affairs of the institutions concerned satisfactorily? Or, is it necessary to create any fresh class of officers with better status, and to invest any of the superior officers of the new department with Magisterial or other powers so far as they are necessary for the efficient management of the institutions?

4. What will be the financial effect of the scheme? Is it feasible to make any saving in the expenditure now incurred on the Land Revenue Department consequent on the formation of the new Devaswom Department and, if so, to what extent?

5. What is the specific arrangement that should be made for the execution of Maramath-works in respect of Sirkar Devaswoms and Oottupuras? Is it feasible to detail any portion of the Division Maramath staff for the work?

The constitution of the committee was as follows:—

*Official Members.*

1. Mr. K. Anantanarayana Aiyar, B A. & B L.,  
Dewan Peiskar, Kottayam (President).
2. Mr. R. Krishna Pillai, B A. & B. L.,  
Dewan Peishkar, Quilon.
3. Mr John Kurien, B A , B. C. E.,  
Executive Engineer, Kottayam.

*Non-official Members.*

1. Mr. P. K. Narayana Pillai, B A. & B. L.,  
High Court Vakil, Kottayam.
2. Mr. J John Nidiri, B A. & B L.,  
High Court Vakil, Kottayam,  
and member, Travancore Legislative Council.

Secretary, Mr. S. Sanku Aiyar, B. A. & B. L.

Acting Stationary Magistrate, Paravoor.

The preliminary meeting of the Committee was convened on the 14th Medom 1095, when all the members were present. The terms of reference to the Committee were then analytically discussed, and it was resolved to frame a<sup>1</sup> set of questions

covering the whole ground of the reference Fifty five questions were accordingly framed and on 51 of these (appendix II), the opinion of leading gentlemen, official and non official, were specially invited These questions were also sent to the editors of leading newspapers with a view to elicit public opinion. Eighteen gentlemen, including officials and non officials, were good enough to respond to our request Their names are hereto appended \* We are rather disappointed in finding that most of those members, who spoke on the subject of Devaswoms, their management and separation, in the Sree Moolam Popular Assembly, have not been able to comply with our request, as the Committee thought those members would be in a position to help them in their work

The old records in the temple of Sri Padmanabhaswami and the Huzur<sup>2</sup> Central Vernacular Records Office were searched and some fragmentary old cadjan documents bearing on the questions were obtained.

In the light of the available records the Committee, in their meetings held subsequently discussed the questions referred to them We are glad that we are in a position to say that we all agree in the conclusions arrived at though our colleague Mr P. K Narayana Pillai, who agrees with us in the main, has taken a different view as regards the question of trust He has dealt with that aspect of the question so ably that we think it necessary<sup>2</sup> to append his report to ours

Our report consists of three parts the first—the report proper—the second—statements bearing on the report and the third—an appendix which contains copies of old records relied on in the report

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\* Vide appendix 2 A



The three months' time allowed to the Committee for submitting the report was found insufficient, as the official members had to do this work along with their normal duty and the others, who are Vakils with extensive practice, could not afford to spare much time owing to professional engagements. The period fixed originally for submission of the report by the Committee had therefore unavoidably to be extended to nine months and fifteen days in all. The President was solely engaged in the preparation of the final report for nearly a month towards the latter part of this period. The Secretary was deputed for one month, with the sanction of Government, to collect information regarding the nature and quantity of revenue and other work done by the taluk and village staffs in the adjoining District of Tinnevely.

The Committee held in all ten meetings.

The staff sanctioned for the work of the Committee consisted of a Secretary on Rs. 120, one Head Clerk on Rs. 60, one Assistant Clerk on Rs. 40, and a Typist on Rs. 30, with a Mochi and two peons. But the assistant clerk on Rs. 40 was not appointed. The total expenditure on account of the Committee including T. A. and contingencies is Rs. 2,885-19-7. This amount does not include the cost of the stationery supplied.

Our thanks are due to the several gentlemen who have been kind enough to favour us with their views on the questions sent to them and also to the officers who kindly supplied us with information on the various points referred to them.

## CHAPTER I.

### INTRODUCTORY

For the purpose of answering the first question referred to us, *viz.*, the relation of Government towards Sirkar Devaswoms, it may be of help to go back to the origin of Devaswoms in general, and to trace the history as to how they came under the management of the Sirkar. We do not propose to enter into any academic discussion as to the theories regarding the origin of the Devaswoms and trace their growth and development at successive periods, as such a course is not quite necessary for the purpose in hand, involving as it must an amount of time and labour which we are not able to command. At the outset, it has to be remarked that there is a paucity of authentic records which would help us in finding out the previous history of these institutions. Whatever records we have been able to lay hands on are fragmentary. With the data available, we shall deal with the subject to the limited extent necessary for this Report.

2. It is the general belief that most of the temples in the State were founded and endowed by the people. This ancient land has been a Hindu State throughout unaffected by its conquests by neighbouring Sovereigns and foreign invasions. The successive Sovereigns who ruled by virtue of conquest or by heredity held these institutions in high veneration and fostered and richly endowed them from time to time adding to their properties and wealth. (1) Whenever there was a new conquest or change of dynasty, we also find that,

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(1) We find several examples of such endowments in inscriptions. *Vide* Appendices 3 to 7.

to commemorate those events, new temples have been built and endowed liberally. (2) The construction of a temple and endowing it liberally, apart from the religious merit attaching to that pious act according to Hindu notions, was one of the best means of perpetuating the name of the conqueror. We find therefore that, after building and publicly endowing them with all solemnities incidental to such gifts, these conquerors caused inscriptions to be put up on stones and copper plates which might last for ages.

3 In the early period, the Devaswoms founded by the people were under the management of a body of persons called Oorallars or Karakkars. They managed these Devaswoms either direct or through their delegates—Samudayams, Manushyams &c. The Rulers of the State exercised their Sovereign or Melkoima authority over all these institutions and their Sankethams. But, in those days, they seldom interfered in their internal management. From a religious point of view it was considered not desirable to interfere with Devaswam lands to their prejudice—such interference being regarded as sinful. The then Sovereigns consequently refrained from, in any way, imposing tax on lands owned by these Devaswoms, until, in later times, the need for more resources being felt these lands also were brought under light taxation and a Relshrubhogam or Kadamai was levied. In course of time, the State had of necessity to interfere with the management of these Devaswoms in virtue of their position as *parens patriae* to correct abuses and had eventually, in some instances to undertake the direct management. The Thirunavayikulam Devaswam in the

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(2) Parthivasekharapuram temple in Vilavankode taluk was founded by a Pandyan King. Neyyattinkara Krishnaswami temple and Quilon Anandavalliswaram temple appear to have been built and endowed by the Travancore Maharajahs. *Vide* appendices 8 to 10

Chirayinkil Taluk, an Ooranma temple of which Akavoor Namburipad was the Samudayam, is an instance in point. Owing to disputes and abuses in the temple management it was taken over by the Sirkar in 928 M E, but on the representation of that Namburipad it was restored to him in 908 M E (3) Even prior to 928 M E, we see from the relics of old records that the State had under its management a large number of Devaswoms. The Variola of 923 M E defining the duties and responsibilities of the Kelvikars\* of Thoala and Agasthiswaram Taluks states that it was the duty of those officers to manage the religious institutions within their jurisdiction and to see to the timely conduct of Poojas &c. (4) The Neettu of 949 M E appointing a Kariakar for the Taluk of Karthikapalli and the Thiruezhuthu of 948 M E, nominating Monigars for the Taluk of Shenbotta specifically state that the management of the Devaswoms in those Taluks or Moniams was one of their legitimate functions (5) The Thirattus of 967 M E for the Ettumanur Taluk and of 950 M E, for the Alengad Taluk makes mention of 29 and 38 Devaswoms, respectively, as having been under Sirkar management in those Taluks (6) In consequence of surrender, escheat and conquests, the number of Devaswoms under the management

(3) Vide Appendix 11

\* In Nanjinaud which comprises the two taluks of Thoala and Agasthiswaram the present day Proverthy is known as helvi or Pidagay. Each Pidagay or helvi is divided into two halves each called a Pakuthy. The revenue Officer in charge of the helvi was the Kelvikaran, there being separate accounts for each Pakuthy.

(4) Vide appendix 12

(5) Vide appendices 13 & 14

(6) Vide appendices 15 & 16

of the Sirkar gradually increased. Thus it is seen from the consolidated Thirattus of 983 and 984, preserved in the Trivandrum Central Vernacular Records, that the State was then maintaining or contributing to the maintenance of 1569 Devaswoms out of the general revenues, at a cost of 5,45,337 paras of paddy and 12,10,373 Fs. (7).

The observation made by the late Dewan Mr. Seshia Sastri in his administration report for 1048 and 1949 that the State had no concern with the management of temples before the year 987 M. E. is, therefore, not quite accurate and is misleading.

4. When Col. Munro accepted the Dewanship of Travancore in 986 M. E., he found the Devaswoms on whose behalf the Sirkar had been spending a large sum, as isolated units, which had no organised form of Government. One stage in the then history of the Devaswoms is portrayed by Mr. Sankunni Menon in his history of Travancore as follows:—He says, "These Devaswoms became possessed of immense wealth and landed properties to which latter numerous tenants were attached who established themselves as ryots or subjects, so much so that the Devaswom managers and trustees enacted rules and laws for the management of the Devaswom properties and began to enforce these laws, independent of the king, within the limits of their landed properties."

5. Almost every temple of note had, then, a "Synod" of the priestly classes or other bodies. Mr. Ramachandra Rao in his report on "State Charities and Devaswoms," succinctly gives the

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(7) Vide appendices 17 & 18. The amounts given are those in the Thirattu of 983. They also include the expenditure for the Ulsavom and Bhadradeepam in the Mathilakam. The amounts given in the Thirattu of 984 are a little less than this.

circumstances that led to the annexation of the property of these  
 Devaswoms, to the State, in para 2 of Chapter II of the report.  
 He says "The vast" accumulation of property under "the control  
 " of these synods made the latter a powerful political factor in the  
 " country, and old records exist to show that these bodies exercised  
 " judicial and executive functions which made the Sovereign,  
 " power in the land a mere shadow and a name. The existence,  
 " of such powerful bodies in the country lead naturally to the  
 " springing up of numerous chieftains possessing varying degrees  
 " of political power and their mutual relationship being governed  
 " only by considerations of their physical power. 'War was a  
 " normal institution in the land.' This state of things continued  
 " with various and varying fortunes till there appeared on the  
 " scene Raja Marthanda Varma. He really succeeded to a heritage  
 " as thorny as it was poor. The feeble rule of a series of his  
 " predecessors had fostered the greed of the surrounding chieftains  
 " and turbulence of internal malcontents to such an extent that  
 " their kingdom was almost a misnomer and their authority little  
 " better than a mockery. But, Marthanda Varma was one of  
 " those whom the world produces but at rare intervals. He was  
 " born to command and conquer. He had the best of schooling—  
 " that of hardship. He had the best of teachers—foes. He was  
 " served by one of the ablest of ministers. Sully did not serve  
 " Henry the IV of France more ably and faithfully than Rama  
 " Aiyen did Marthanda Varma. The Baron de Rossini was the  
 " very man to remedy this state of matters, rude, obstinate and  
 " haughty, but at the same time resolute, active, indefatigable,  
 " wholly devoted to his master's interest. Rama Aiya was  
 " unrelenting, unsparing and often unscrupulous to his master's  
 " enemies; but his self was merged completely in that of his  
 " master. He was as fearless in the council room as he was in the  
 " battlefield. With such a minister at his right hand and with a  
 " strong will, abiding patience and indomitable courage, the Raja

“not only won back what his predecessors had lost but subjugated”  
 “one after another, the neighbouring chiefs who were a perpetual  
 “source of trouble”. “The above graphic description of the state  
 “of matters in the country is, I need hardly say, from the pen of  
 “the late Maharajah. But, though the Chieftains were  
 “subjugated by Marthanda Varma, the temple Synods continued  
 “to exercise their influence and it need not surprise us if it was  
 “found that their power was a menace to public security and  
 “good Government and that it required to be destroyed or  
 “limited. Influenced by these considerations, and the moral and  
 “intellectual degeneracy of the class of persons who held the  
 “control of the temples and temple property, and helped by the  
 “military occupation of the country, Col. Munro quietly resolved  
 “to assume 340 temples *with* their properties.” This measure was  
 carried out by an order of the 3rd Kanni 987 M. E., by which  
 348 Devaswoms came directly under the complete control and  
 management of Government, their properties being taken over  
 by the State while their expenses were met from the public  
 ex-chequer (8). “The ‘assumption of pagoda lands,” wrote  
 Lieutenants Ward and Conner in 1816 A. D., “appears to have  
 been a most judicious measure as reducing the power of  
 authorities that must have jarred with those of the State, but  
 above all correcting their abuses.” These 348 Devaswoms are  
 styled in the Thirattu of 987 and subsequent years as  
 Ezhuthitheeruva (എഴുതിതീരവു) Devaswoms or temples  
 having detailed accounts of expenditure (9). The remaining  
 Devaswoms on whose behalf also the State had been spending  
 a large amount were Devaswoms under the control and  
 management of Oorallars or Karakkars. The number of such

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(8) Vide Appendices 19 to 21.

(9) Vide Appendix 21.

Devaswoms is stated to be 1123 in the Thirattu of 987 (10). The major portion of these institutions also came under the control of the Sirkar at or about the same time. As in the case of the Ezhuthitheeruva Devaswams their rents and profits were blended with the general revenues their expenditure being met from the State.

6. After the time of Col. Munro and before the passing of the Religious Endowment Act (III of 1079), certain important Ooranma Devaswams such as Pattazhi, Thuravur &c., came under the control and management of Government, in virtue of surrender or on account of mismanagement by the Ooranmakars

Post Munro as- or other bodies, under whose management they  
sumption. were. The properties of these Devaswams were however, for reasons now unknown to us not treated like those of the institutions already assumed by the Sirkar. The revenues and receipts from the institutions thus assumed were kept separate from the State Ayacut; and their expenditure was strictly confined to their income. In respect of the Kaviyur Devaswam, however, which was assumed in the year 1076, the receipts were added on to the public exchequer and the expenditure was met out of it; and the institution itself was classed under the category of Ezhuthitheeruva Devaswams.

7. The assumption of Devaswams during the period we are discussing was not under any statutory law or Regulation. It was apparently carried out in the exercise of the Melkoima right possessed by the Sirkar over all such public institutions. In 1079, a Regulation (III of 1079) was passed, laying down the procedure to be adopted whenever the assumption of a Devaswam under the management of hereditary trustees, was



## CHAPTER II.

With reference to the class of Devaswoms coming under the unincorporated group, the answer to the first part of the first question referred to us, *viz.*, whether the state is a trustee, is simpler and easier than in the case of other institutions. Of the 48 institutions coming under this class, whose names are given in statement III, authentic records are available only in respect of a few. The history of one of them, *viz.*, Pattazhi Devaswom, is appended hereto. (10) It has been obviously the intention of Government to keep the properties of these institutions and their income and expenditure separate and to administer them in accordance with the express or implied wishes of the founder, and as efficiently as circumstances would permit, without at the same time incurring any pecuniary responsibility. Separate accounts are therefore maintained for the properties of these Devaswoms. Their income and expenses are brought under a strict budget system. There has been no merger of any property of these Devaswoms. Section 13 of the Hindu Religious Endowment Regulation III of 1079, which applies to the institutions assumed under the provisions of that Regulation, enacts that "The Dewan may, with our sanction, withdraw from the management or superintendence of any endowment assumed under this Regulation and restore the same to the original donors or trustees or their representatives; if he is satisfied that such a measure is desirable in the interests of the institution, subject to such conditions as he may deem fit to prescribe at the time of restoration." It is observed in XXII T. L. R. p. 54 at page 57-58 as follows:—

“That the effect of an assumption by Government of the  
 “management of a religious endowment under the provisions of  
 “Regulation III of 1079 is not to convert the property of such  
 “endowment into Government property or rents of such endow-  
 “ment into public revenue of the State is clear from the preamble  
 “to the Regulation which recites that it is expedient to provide  
 “for the better administration of certain Hindu Religious endow-  
 “ments Section 8 of the Regulation which deals with the  
 “administration of institutions assumed by the Sirkar speaks of  
 “such an act as assumption of the management which it is  
 “provided shall follow the lines on which the Sirkar institutions  
 “of the same class are managed, subject to the provisions of any  
 “scheme, canons or usages, if any, established by the founder or  
 “founders. The intention of the Legislature to treat the rents of  
 “the endowment as distinct from the public revenue is made  
 “clear by the provisions of Section 13 which provides that the  
 “*Dewan may direct that the rents and other dues of any endow-*  
 “*ment falling within the provisions of this Regulation (only under*  
 “*this Regulation) may be collected as arrears of Revenue*” In  
 these circumstances, we have no hesitation in holding that the  
 position of Government with reference to the unincorporated  
 Devaswoms is one of a trustee

We have already observed that most of the institutions  
*known as Incorporated Devaswoms were taken over*

Incorporated  
 Devaswams

by the Sirkar under the orders of Col Munro  
 What is the exact scope and significance of this  
 assumption? In order to answer this question satisfactorily, it is  
 necessary to know terms on which the assumption took place.  
 Mr. Ramachandra Rao states in his Report on Devaswams that,  
 his efforts to procure contemporaneous information on this point  
 having proved futile, he had to turn to probabilities and the  
 subsequent conduct of the authorities and *apriori* considerations  
 for an answer. A few important records have since been

ment whom the Colonel represented, was, for the proper conduct and administration of the Devaswoms. The Colonel never wanted to curtail the Pathivus. On the other hand, he strictly enjoined that the ceremonies in the temples should be conducted in keeping with their dignity.

Having referred to the orders of Col. Munro, we shall proceed to examine whether a merger of the  
 Merger Devaswom revenue into the general ayacut has been effected. With the records available to us, it has not been found possible to prepare a correct list of the whole of the properties belonging to any particular Devaswom or the income therefrom. Properties belonging to particular Devaswom appear to be scattered throughout in various taluks. Before the date of Col. Munro's assumption, the rents and profits due to particular Devaswoms from lands and other sources were collected by the Devaswom Adhikaris known differently as Manushyams, Samudayams &c, and credited to the accounts of those Devaswoms. In those days the collections were kept separately in the Devaswom stores and Bannarams. In an order issued by Col. Munro on the 14th Makaram 987, the Kariakars were directed to collect the rents and profits from all Devaswom properties within their jurisdiction, irrespective of the fact whether the temple to which the properties belonged was situated within that taluk or not (14). All the collections made by the various Kariakars were credited by them in the Sirkar accounts and they eventually merged in the public ex-chequer.

When Dewan Mr. Seshia Sastri stated in his Administration Report for 1048 and 1049 and that "the interest of Government with regard to the Devaswoms was for the most part only that of a trustee and that even were it otherwise this

State would be bound as every other country in the world does to maintain a church establishment out of the public revenue, the Madras Government raised a query whether, in that case, the revenue derived from the Devaswom lands could not be shown in a separate account in future." He replied that "There is no objection, of course, if it could be done, but in as much as the collections from the Devaswom lands are treated like and mixed up with the collections from non-Devaswom lands, the former could not be shown apart from the latter." The Dewan added "Moreover, the lands adverted to in para 248 of my Report, do not form all the Devaswom lands assumed by the Sirkar, for, in several cases, such lands situated in conquered or lapsed tributary States went under the head of 'Sirkar lands' at once, while, the expenditure on account of Devaswoms belonging to such States continues to be charged to the general revenues of the State." It was further stated "There is no doubt to my mind that, on the whole, the total expenditure on the Devaswoms is more than covered by the total revenue of Devaswom lands assumed whether in 987 M. E. or at a much earlier date." The reply given by the late Dewan Mr. Gopalachari to a representation made in the Sri Mulam Popular Assembly is instructive on this question of merger. He observes "As regards the income from Devaswom properties, these have been incorporated with Sirkar funds and are managed by the Revenue Department along with other Sirkar properties. It is against the principle of incorporation to argue that the income of a particular temple alone, or the whole of it, should be expended on it."

It will thus be seen that there has been a complete merger of the rents or other income derived from the Devaswom lands in the public revenues of the State. What Dewan Mr. Seshia Sastri found to be impossible in 1876 was attempted to be done in 1912 when the data for the compilation of the Devaswom revenue must have become more imperfect owing to lapse of time

and owing to the complications brought about by the last Revenue Settlement. In respect of this attempted separation, it is stated in the Settlement Final Report "That a large number of Devaswom lands has been recorded in the present Settlement as Sirkar, partly because they had been already so treated in the revenue accounts and partly through mistake, error or misconception."

With these facts in view, Col. Munro's measure has to be examined from two stand-points, *viz.*, (1) from the stand-point of the properties taken over by the State and (2) of the position of the Sirkar towards these institutions.

While, on the first point, what we see is that the income derived from the properties so taken over was never ear-marked and kept separate from the general State revenue but it has been treated as State revenue itself. With respect to the properties themselves, all the incidents attached to Pandaravakai lands appear to have been deemed applicable to the properties of the Devaswoms—the latter being treated as Sirkar lands "to all intents and purposes." During the course of our enquiry, some of us were given to understand that, from Devaswom lands also, a fee of 2 p. c as enjoined in the Pattom Proclamation of 1040, was collected. This will certainly go to show that Government intended to treat these lands as Sirkar Pattom lands. From the replies received from many Tahsildars, we find that the Taluk daily cash accounts prior to 1055 have been destroyed in their Taluks. The Kalkulam, Chirayinkil and Meenachil Thasildars have been able to point out for us from the accounts that a fee under the Pattom Proclamation was levied on some Devaswom lands in their Taluks (15). To quote Mr. V. P. Madhava Rao, the late

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(15) Vide Appendices 25, 26, and 27.

Dewan, "The ryots holding Devaswom lands have been recognised as having the same rights and ownership in those lands as the ryots holding under Government, these lands are settled like other lands and every measure of administrative reform introduced from time to time whether affecting the system of assessment, commutation rate or the proportion of tax payable in kind have been applied as well to Devaswom lands as to other lands." The treatment of Devaswom lands like Sirkar lands has evidently resulted in giving the holders of Devaswom lands a proprietary interest while they had only a lease hold or mortgagee's interest before the assumption by the Sirkar. It is not only in respect of lands that the Devaswom revenues were given up, but in respect of other sources of income and assets also, a similar policy appears to have been pursued, making no distinction between the State and the Devaswoms. (16). Arrears due on Devaswom lands have been written off from time to time exactly like those on other Sirkar lands. In the Administration Report of 1038, Sir T. Madhava Rao, referring to Devaswom lands, says "These lands are now treated by the State in a way not different from its own and have therefore acquired a value which they could never have possessed before."

It is significant that, though these Devaswoms were originally very large Jenmies holding Jenmon lands with all the incidents appertaining to Jenmon tenure, the Sirkar Devaswom lands were exempted from the operation of the Jenmi-Kudiyan Regulation, when the State found it necessary to enact a law for the adjustment of the Relation between Jenmies and Kudiyan. It follows therefore that these lands were not regarded as Jenmom lands. If they are not Jenmom lands, they must be regarded as Sirkar lands, since the lands in the State, on

a careful analysis, may be seen to fall under one or other of two categories, viz., Sirkar lands and Jenmom lands. But, when the question came as to whether the Proclamation of 1040 enfranchising the Pattom lands would apply to Sirkar Devaswom lands the High Court held, on the construction of the Proclamation, that the Sirkar Devaswom lands are outside the purview of the said Proclamation. The intention of Government all the same is clear that the incidents of Pandaravagai tenure would apply to Sirkar Devaswom lands also. Again, in the matter of collecting the dues to Government as well as to Devaswoms, a distinction was attempted to be drawn between the two, the contention being that what is claimable on account of Devaswoms was only a *rent*, while what is due to Government was *revenue*. But the Government never kept up any such distinction between the two. The observation of Mr. Sadasiva Aiyar in XXII T. L. R. p. 62 is important in this connection. He says as follows:—"Unless the State mixes up the rents of the lands of a temple with the general revenues so as to make those rents capable of appropriation for other general purposes and so as to treat sums realised from the other heads of revenue as available for the temple expenses, it cannot be said that the rents of the temple lands, though collected by the State as manager, form part of the public revenue. It may be that in the case of 4 or 5 important temples, like Vāṅkam, Suchindram &c., and in the case of temples taken up by Col. Munro as State property, the rent collected might be treated as public revenue." The learned Chief Justice had not before him, when he made, these observations, the text of Col. Munro's orders annexing the Devaswom properties. If he had the advantage of having the text of that order, when he wrote the judgment, probably, he would have gone a step further and declared in unhesitating terms that the income from Sirkar Devaswom lands is public revenue.

The position of the tenants of Sirkar Devaswom lands comes up for consideration in this connection. There <sup>Tenants of Deva-  
swom lands.</sup> have unhappily been different views held regarding the exact position of the holders of Sirkar Devaswom lands. In para 8 of Chapter II of his Report, Mr. Ramachandra Rao says that "Most of the Revenue Officers of Government, whom I have consulted on the point appear to share the view that Devaswom Pattom and Pandarapattom holdings bear the same character and that, in effect, the Royal Proclamation of 1040 applies to the former holdings. This opinion is based on a misapprehension due to the similarity of the rules regulating assessment of the two sets of property for public revenue and is opposed to the rulings of the High Court. In a recent but unreported case, the High Court decided that lands held on Palpayasompattom tenure under the Sachindram Devaswom were resumable."

We have to point out here that the Palpayasompattom lands partake more of the character of resumable Service Inam lands, and that any decision with respect to them should not be allowed to influence our view in respect of the character of other holding of ordinary Devaswom lands by tenants.

We have already mentioned the fact that Mr. Ramachandra Rao deplored the absence of authentic records, and as he says, he was obliged to come to conclusions from probabilities and a *priori* considerations. The text of the order of Col. Munro is available to us and it is mentioned therein that Devaswom properties should be treated in the same manner as Sirkar lands.

There have been conflicting decisions of the High Court as to whether the Royal Proclamation of 1040, enfranchising Sirkar Pattom lands, would apply to Sirkar Devaswom lands as well. The earlier view as laid down in VII T. L. R. p. 89 was that the Proclamation would apply to such cases—the Sirkar conceding the point right through. Later Rulings as reported in XV T. L. R.,



XVII T. L. R. and VI T. L. J. p. 339 incline to take a different view. All these Rulings are of Division Benches. The point before the High Court in some of the above cases seems to have arisen only incidentally and not as a main issue. In the case reported in VI T. L. J., the Judges say, after reviewing all the previous judgments on the subject, that "There is considerable reason to suppose that the view of Government always was that such properties were as much within the scope of the Royal Proclamation as any other Sirkar lands. See the note in the Travancore Land Revenue Manual Vol. I page 17. After considering the cases which have been decided by this Court to the effect that the Devaswom lands were not within the Proclamation, it is stated as follows":- "The decisions noted above are valuable as containing the judicial pronouncements of the legal question of the applicability of the Pattom Proclamation to the Sirkar Devaswom lands; but, as a matter of fact, the Government brought such lands also within the perview of the Proclamation." "The ryots holding Devaswom lands have been recognised as full proprietors having the same rights of ownership in those lands as the ryots holding under Government." "It is significant that even in this case this question does not seem to have been specifically raised at any rate in their (Sirkar's) written statement. It would seem that the theory that Devaswom lands under Sirkar management are not subject to the Royal Proclamation, was not at all the view propounded by Government, but was evolved by the learned Judges who decided Travancore Sirkar V. Kasi Sivaramakrishna Aiyar." With the text of the orders of Col. Munro, in case the question of the position of Devaswom tenants should come up again for decision, it is doubtful whether the High Court will still adhere to the subsequent view taken by them.

Mr. Ramachandra Rao seems to have been considerably swayed by the later decisions of the High Court in coming to the

conclusion he has arrived at in his Report; and this conclusion seems to have weighed very much with the late Dewan Sir P. Rajagopalachari, at the time of passing the Devaswom Reorganisation G. O. No. D. 4905 dated 25th October 1912. No doubt in that G. O., he says "But when the next settlement is taken up, "it will be the duty of the Government so to regulate it in regard "to the Devaswom lands that the Devaswoms should get the full "revenue due to them. The Government will bear in mind that "their position in regard to the Devaswom lands is fundamentally "different from their position in regard to the Sirkar lands" But the whole superstructure of this argument does not take into account the very orders which ought to form the basis of such a structure and no attention seems to have been concentrated upon the orders of Col. Munro alluded to above. It is doubtful whether the said orders were then available to the High Court or to the late Dewan or brought to their attention at all.

So far as the Government are concerned, there has been no disturbance in the fixity of tenure long enjoyed by the Devaswom tenants nor any withholdings of concession from them, making a distinction between such tenants and tenants of Sirkar lands. What is important in this connection is the consciousness of Government in their out-look towards the tenants of Devaswom lands; and, on that point, there is a uniformity of policy which leaves no room for any doubt. Thus, long standing practice is in favour of our view. The act of the unification of Sirkar and Devaswom lands by Col. Munro, coupled with the fact of a uniform course of like treatment, consciously conceded on the one side, and enjoyed and safely relied on by the other, amply justifies the position that we take up. The opinion of Dewan Mr. Sankarasubda Aiyar, recorded in his memorandum drawn up before the recent Settlement was introduced, is valuable in this connection. He says that, "in whatever way the revenue from the Devaswom lands is apportioned in the accounts between

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Sirkar and Devaswom, the whole is, as a matter of fact, collected by the State and credited to the public exchequer, and as the transactions involved in the Devaswom tenures are analogous to those affecting Sirkar lands, the principles of revision applicable to the latter would likewise apply to the former." We would therefore urge for the re-consideration of Government how far they would be justified in treating these Devaswom lands differently from Sirkar lands at the next settlement.

Coming to the question of the position of Government towards the Devaswoms, the whole thing has to be traced from the very fountain, viz, the orders of Col. Munro. In introducing the Hindu Religious Endowment Regulation as a Government measure, Mr. Nagam Aiyah said that "The object of the bill is to afford Legislative protection to be numerous (Non-Sirkar) Hindu Religious and Charitable endowments in Travancore by giving Legislative sanction to the undoubted right which Government at present possess for interfering in the affairs of these institutions \* \* \* Government is not anxious to increase its own already heavy responsibilities by adding to them the management of a large number of Religious and Charitable endowments in the State. The better management of the institutions is the only object now aimed at." Col. Munro's object also, as may be clearly seen from the recitals in his order, dated the 3rd Kanni 987, was the better management of the institutions taken over by him. The same sentiment was reiterated in the order dated 18th Thulam 987 appointing a committee to fix a scale of expenditure for the Devaswoms concerned. It might be seen from these documents that it was not the intention of the State then to appropriate the incomes from the Devaswoms for the purpose of the State so as to leave them without any source of support. The State clearly under-

Position of the  
Sirkar towards in-  
corporated Deva-  
swoms.

took the responsibility for the proper and efficient upkeep of these institutions and it never swerved from this policy. But, on the other hand, successive Sovereigns have uniformly been giving their whole-hearted support to that policy. When the Devaswoms are taken over by Col. Munro, no reservation was made as regards the liability to account or the keeping of the Devaswom properties and income separate from the State ayacut. The absence of the provision similar to that enacted in sections 13 and 14 of the Religious Endowment Act is significant.

There is a body of opinion that, owing to the turbulent times and the circumstances in which the assumption took place, especially in view of the fact that the trustees then exercised a sway independent of the Sovereign authority, the measure of Col. Munro was an act of State and the assumption of the properties tantamount to confiscation (*Vide* paras 4 and 5 Chapter I para 7 *supra*). But we find it difficult to adopt that opinion, nor have we sufficient materials to adopt it. It is a well known proposition of law that there could be no 'act of State' between the subject and the Sovereign under normal conditions. We are no doubt regarding the Devaswoms in this connection as juridical persons under the authority of the Sovereign. As for confiscation, we have to remark that it implies a penalty. To quote Mr. A. Govinda Pillai, retired Judge of the High Court, "who was good enough to favour the committee with his views on these questions, "it is clear from the above that the object of the assumption was to secure the due performance of the Devaswom ceremonies. It was clearly a case of assumption of management, and in no sense a confiscation, which implies appropriation as a penalty, as a suppression of the monasteries in England in the time of the Tudor Sovereigns, which in the words of Hallam poured in an instant such a torrent of wealth upon the Crown as had seldom been equalled in any country by the confiscations following a subdued rebellion. Such

“Assumption of mere management is part of the general duty of Government of supervising the management of wealth bequeathed to a public object and revising the rules under which it is administered in the interests of the community at large. (See Sidgwick on Politics, chapter 28, section 5 p. 561) In the matter of interference with religious bodies, the traditional habits and sentiments which a community derives from its previous history are the most important considerations in determining the proper course of action for a statesman (See Sidgwick on Politics, Chapter 28, section 5 p. 559); and it is clear from the order of assumption that the statesman who passed it, though a Christian, was guided by this principle.” There are only two kinds of confiscation known to law, viz., (1) confiscation of enemies' properties, (also sometimes called condemnation when adjudged by Prize Courts) and (2) confiscation as penalty for breach of Municipal Law, such as high treason &c. There was not then any open rebellion, nor was there any necessity for proclaiming martial law. In the present instance, there evidently could have been no room to treat the Devaswoms as enemy corporations or to penalise them for a breach of law. On the other hand, there would have been ample justice in any measure confiscating the property of individual trustees who were guilty of malversation. But there could be no justification in taking over of the properties of the institutions of which they were trustees.

There is a large volume of opinion in support of the theory that the Government is the trustee of these institutions. Dewan Seshia Sastri in his Administration Report already referred to says that: “The interest of Government in respect of these institutions is for the most part only that of a trustee” and the late Mr. Ramachandra Rao remarks that: “This is a high authority for inferring that the State, by assuming the

management of Devaswoms and their properties, did not acquire any independent proprietary rights thereto". Mr. Ramachandra Rao also observes that "The instinct of the Hindu community, which is decidedly against spoliation of temples and temple properties, also justifies the view that what was assumed by the Sirkar was the management of the temples."

Judicial decisions are also quoted in support of this theory. We have had the advantage of perusing the opinion of one of our colleagues who reviews a large number of legal pronouncements on the subject.

We are however confronted with certain difficulties in accepting the trust theory which has been so ably put forward. In the first place, in the Travancore cases quoted, the question as to whether the assumption by the Sirkar in Col. Munro's time was a trust or not did not arise directly and was not in issue in any of the cases. In XV T. L. R. the contention of the Sirkar itself was that they were managers. The decision of the Court was based on the admission of the Sirkar. The real question at issue in that case was as to the applicability of the Royal Proclamation (patthom) of 1040. Neither was the point directly in issue in the XVII T. L. R. case. In the later case reported in XXII T. L. R., the observations made by the Judges were in connection with the decision on a point of limitation. Secondly, there are many institutions assumed by Col. Munro which had no properties. In respect of these institutions, therefore, one main element which goes to constitute a trust, viz., trust property, is wanting. (Beyond saying that there are many such Devaswoms with no properties attached to them, we are no doubt unable to specify exactly their names or number) Again, the attitude of Government towards incorporated Devaswoms does not appear to have been modelled by any consideration of the income derivable from them. The only



thing that seems to have weighed with Government appears to us to be the welfare of the institutions all along. Had the Government been a trustee, it is unreasonable to expect them to have embarked upon such a policy losing sight of the incomes which the institutions yielded. The differential treatment accorded by Government to the unincorporated Devaswoms, by keeping their property separate from the State Ayacut and limiting their expenditure to their actual income, shows clearly how the Government behaves when it acts as a trustee. The term of Col. Munro's order shows that these institutions have passed unconditionally to the hands of the Sirkar, their efficient upkeep alone having weighed with them.

From the political and other considerations which weighed with Col. Munro in deciding on the assumption of the Devaswoms, from the clear and unambiguous orders on the subject, from the complete merger of the revenue of the Devaswom lands in the Public revenue, from the long course of treatment accorded to them and from the recognition of the holders of these lands as permanent occupants with heritable and transferable right, at successive Settlements, we are inclined to hold that the position of the State with reference to these Devaswom lands is more that of a Sovereign proprietor legally accountable to none for their management, than that of a trustee. This, it will be observed, is the view held by the Cochin Government with regard to the Devaswoms in that State assumed by Col. Munro under similar circumstances and almost contemporaneously. (*Vide* preamble to the Cochin Proclamation dated the 29th Makaram 1085 11th February 1910)

However, it is unnecessary for us to pursue this point further, as in any case, whether as a trustee or otherwise, the Government have undertaken, by their public pronouncements made from time to time, the responsibility to maintain these institutions efficiently.

Liability of Government to maintain Devaswoms.

thus realising their obligation towards Devaswoms, which the act of incorporation entailed on them. Dewan Sir P. Rajagopalachari states, in the Devaswom re organisation G. O. of 1912, 'Independently of His Highness the Maharaja's undoubted rights, to maintain out of the revenues of the State, the institutions of the Hindu Religion, there is the circumstance, in regard to the Devaswoms taken up in 987 M E by Col Munro, that the Sirkar then, by a solemn act undertook the obligation to maintain them in an efficient condition for all time to come. This obligation will always be borne in mind by the Government.'

Even apart from the obligation referred to *supra*, this State in virtue of its constitution as a Hindu State, is bound to maintain these institutions. We think it will not be out of place here to add a word about the sacred character of the Thrippadidanam of 925 M E. In that year, King Marthanda Varma formally made over the whole of his kingdom to his tutelary deity Sripadmanabha and assumed its management as the vassal of the deity (17). This dedication accentuates the Hindu character of the State. Regarding this act, Justice A Govinda Pillai, whom we have already quoted, says that "it will be impossible to imagine a more formal inauguration of a State church than this surrender (മുഹൂർത്തം). He adds that "as Hinduism is the established religion of the State it is bound to maintain the Devaswoms even apart from the assumption of 987 M E'. In an earlier paragraph we stated that this ancient land has been a Hindu State throughout, unaffected by foreign invasions. This Danam was made, it has to be borne in mind, by the Sovereign who conquered and consolidated the petty States and felt that he had the right to do so. Closely following the Danam of 925 M E came another similar Danam of 941—of territories which subsequently came

into the possession of the Sovereign (*viz.*, Parur and Alengad). When these two territories, though conquered, were formally ceded, their formal Rajas, in so doing, added a clause in the document evidencing the cession to the effect that their Devaswoms should be managed efficiently. (18). *എപ്പർപ്പെട്ടതും അനുവദിച്ചുകൊണ്ടു പ്രവർത്തിക്കുകയും ദേവസ്വംഭരണരെയും കീഴ്കയ്ക്കുവേണ്ടി ഒരു വസ്തു രക്ഷിച്ചു നൽകുകയും രക്ഷിച്ചുകൊള്ളുകയും വേണം.* This passage is significant. Any measure therefore tending to diminish the importance of these institutions or to curtail the expenditure absolutely required for the due performance of the ceremonies obtaining therein in accordance with past usage would be regarded as tending to uproot that Hindu character.

The systematic inculcation of a particular religion by the States is a long-standing practice having its origin in very ancient times. This practice obtains not only in India but in European countries also. In England there is an established church maintained at State expense.

Viewing the matter from another standpoint, *viz.*, the income accruing to the State from the properties of the Devaswoms, we have no hesitation in holding that the State is bound to maintain them efficiently.

The Thirattu of 987 M. E., (19), referred to in another connection, gives the income from the Devaswom properties as follows:—

(18) Vide Appendices 30 to 31.

(19) Vide Appendix 21.

Items	Paddy in -paras	Converted value at commuta- tion rate	Money collec- tion	Total
Tax on Paddy Lands	Rs. 15,80,491	Rs. 3,11,779	Rs. ..	Rs 3,11,779
Tax on Garden Lands	..	..	53,092	53,092
Total...				3,64,871*

The above figures cannot be taken as representing the actual revenue on the entire extent of Devaswom lands. We notice from para 5 of the Hukkumnama, dated the 26th Meenam 992, laying down the Rules for the conduct of the Settlement of 993 M. E., that the list of Devaswom lands handed over to the Sirkar by the temple authorities at the time of the assumption of Devaswoms did not include lands which were received by Devaswoms from devotees for the performance of Vazhivadus and lands which came to the Devaswoms in the nature of fines, penalties &c. It is also stated in the same document that Sanketham lands of Devaswoms had not been settled before, and that those lands should also be traced out and brought under taxation in the Settlement of 993 (20).

The next document on which reliance could be placed is the Thirattu of 997 M. E. (21) which gives the following figures.

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\* Besides the Ayacut income from Devaswom lands, the Thirattu of 937 also gives a quantity of 70,920 paras of paddy under Sanchayam, Nadavaravu &c. and a sum Rs. 43,400 under Kanikka.

(20) Vide Appendix 32

(21) Vide appendix 33.

Items	Paddy in paras	Converted value at commuta- tion rate	Money collec- tion	Total
	Rs.	Rs.	Rs.	Rs.
Tax on Paddy Lands	15,55,561	3,06,179	„	3,06,179
Tax on Garden Lands	„	„	43,299	43,299
Total ..				3,49,378†

A garden settlement having been commenced from the year 993 M. E., one would expect to find an increase in the ayacut revenue of 997, especially under garden tax. But, what we find is a decrease, to the extent of 24,930 paras of paddy under "tax on paddy lands" and 9,793 Rs. under "garden tax". This decline in the revenue may be attributed to the complicated rules of the Revenue and Settlement Departments, by which, many of the Venpattom lands of Devaswams became Pandarapattom. Where the rights of a holder of land lapsed to the State on account of escheat, Chakudy or Pokudy, the then standing orders directed that the lands should be re-assigned as Pandarapattom. Mr. Krishna Rao says, in his selections from the records of Travancore that, "in 987 M. E., most of the Devaswoms were assumed by and placed under the immediate management of the Sirkar, all such lands as belonging to the said pagodas being leased out to the ryots on the tenure of *Sirkar Pattom*."

The next period for which we have information with regard to the income from Devaswom lands is that of Dewan Mr. Seshia Sastri. He states in his administration report for 1048 and 1049 that, "out of the Devaswom Jenmi lands alluded to in

the beginning of this notice, those of 378\* pagodas were assumed and brought under the direct management of the Sirkar in the year 987. They consisted of 62,000 gardens and 5,43,000 paras of paddy fields, the former yielding a rental of about Rs. 50,000 and the latter of Rs. 3,50,000 both making a total of Rs. 4,00,000. The lands thus assumed, now (1048) yield a revenue of 4,30,000, while the annual expenditure on the 378 pagodas concerned with them amounts to Rs. 3,92,000 in 1049."

In 987 M. E., the price put upon a para of paddy by the State for commutation purposes was chs, 5 or less (22). In 1035 M. E. the commutation rate was raised by 1 ch. per para, and the calculations made in the administration report of 1048 and 1049 were at this rate. After 993 M. E., a settlement of garden lands was conducted in 1012 M. E. From the figures of Mr. Seshia Sastri, we see that even this settlement did not affect the Devaswom revenue for the better, although one would naturally expect some increase.

Coming to the last settlement which began in 1057 and ended in 1085, we find that the results are worse. The

\* 378 is a mistake. 348 is the correct number.

During the search for old records in the Trivandrum Central Vernacular Records Office, we came across two cadjan bundles of 993 and 987 M. E., one dealing with the details of the puraidoms owned by the Ezhuthitheeruva Devaswoms, and the other, with the wet lands held by Devaswoms in general in the seven taluks of Karthikappalli, Karunagappally, Kunnathur, Kottarakara, Quilon, Mavelikara and Thiruvella alone. The first document gives the number of puraidoms owned by 308 of the Ezhuthitheeruva Devaswoms as 54,634, and their revenue payable to the pandaravagai and the Devaswoms as Fs. 36,644 Rs. 5,235 and Fs. 4,34,579 Rs. 52,082, respectively. The second document gives the total extent of Devaswom wet lands in the taluks mentioned as 1,51,578 paras, and their rent as 2,99,360 paras of paddy. Two consolidated statements prepared from these records are added as appendices 34 and 35.

(22) Vide appendix 36.

Settlement Final Report gives the subjoined figures as the ayacut revenue on Devaswom lands.

Items	Paddy in paras.	Converted value at commutation rate	Money collection	Total
		Rs.	Rs.	Rs.
Tax on paddy lands	8,58,107	„	5,219	„
Tax on garden lands	„	„	89,357	„
Total				3,29,810

When the proportion of tax realisable in kind was fixed in 1062 with a view to secure uniformity in the Several Divisions of the State and the commutation rate of 6 chs. was subsequently raised to 11 chs. for the collections in kind, the Devaswom revenue ought to have normally shown a considerably higher figure. But the revenue on Devaswom lands as per the Settlement Final Report is seen to be only Rs. 3,29,810-12-14. This decline in the ayacut revenue compared with the amounts found in the Thirattus of 987 and 997 and the administration reports for 1048 and 1049 has materially affected the Devaswoms to their prejudice. Owing to the like treatment accorded by the State to the Devaswom and Pandaravaga lands, the holders of the former class of lands have become their proprietors instead of being only their lessees or mortgagees. But for this, would have been open to Government to redeem the mortgages or renew the leases and obtain a much larger income from the properties than what they now get as tax. It is unnecessary to state on what imperfect data the settlement figure for Devaswom revenue was arrived at Mr. Ramachandra Rao observes in para 13 of Chapter II of his report that "the annual settlement (Thavanamudakkom account) of the year 1060 returns the extent of Devaswom properties in the Agastiswarām Taluk to be

equivalent to 38,377 paras 6 7/16 Eds. in 9,118 thadies or plots. The present settlement figure for this Taluk is 14,451 paras 8 Eds. equivalent to 1,592 acres 18 cents consisting of 4,729 numbers. The difference between the two figures is a deficit of 24,000 paras of paddy lands in round numbers.<sup>1</sup> When the question of separating the Devaswom land revenue from Sirkar land revenue was taken up in 1912, a conference of the Peishkars was arranged; and, in that conference, the late Chief Secretary Rao Bahadur Mahadeva Aiyar brought to the notice of Government how wet lands to the extent of 17,000 acres which once belonged to the Sirkar Devaswoms in the Southern Division had dwindled down to 6,000 acres at the recent settlement. These facts show that the figure given in the Settlement Final Report does not represent the true ayacut revenue on the entire extent of Sirkar Devaswom lands.

According to the Thirattu of 987 M. E., the income from Devaswom properties stood at 15,80,491 paras of paddy and Rs. 53,092. Taking the market value of paddy as 12 annas per para, the total income from Devaswom lands would amount to Rs. 12,38,460. The revenue accruing to the states from the Sirkar Non-ezhuthitheeruva Devaswoms has not been included in the figures above given from the Thirattu of 987. There is an impression that the non-ezhuthitheeruva Devaswoms had no properties of their own at the time of their assumption. This impression is not founded on facts. A glance at the Ayacut of 1014 M. E., shows that the income which accrued to the State from the garden lands belonging to the latter class of Devaswoms was 41,01 Fs. 23 chs. and 12 cash.

The two classes of Devaswoms above referred to had also a large extent of lands which were given out to tenants for the performance of services in those institutions. They were called Viruthi lands and were in the nature of Service Inams



such as Sanku Viruthi (ശങ്കുവീരത്തി), Kottu Viruthy (കൊട്ടുവീരത്തി), Kacha Viruthy (കച്ചവീരത്തി), Kuzhal Viruthy (കുഴൽവീരത്തി) &c. In computing the total income from the Devaswom lands, the income derivable from these Service Inams (most of them have since been enfranchised) has also to be taken into consideration. This may be arrived at by reckoning the value of the services and labour performed

The Devaswoms have also other sources of revenue, such as daily offerings received in money and articles, money thrown into Vunchis and miscellaneous receipts—sale proceeds of surplus rice, old stores and materials, &c. The annual revenue, under these sources amounts to roughly Rs. 50,000. The following figures, in respect of them, are taken from the budget estimates for Devaswoms for the last three years.

Year	Receipts.
1093	52,724
1094	46,700
1095	48,700

It will thus be seen that, in their anxiety to give relief to the ryots, and, as already referred to, by the complicated procedure adopted in the settlements after 987 M.E. Government have, wittingly or <sup>un-</sup>un-wittingly, brought about a substantial reduction in the actual extent of Devaswom lands, which, even if it had remained as in 987 M.E., would have yielded, according to the present rate, a revenue of more than 12 lakhs of rupees. We would not have thought fit to refer to this aspect of the matter but for the fact that, at successive sitting of the Sri Moolam Popular Assembly, representations were made touching the income and expenditure of Devaswoms, one side stating that the Government are spending on behalf of Devaswoms more than what they are entitled to, and the other, that they are appropriating to themselves a large surplus which these institutions

leave annually after meeting their expenditure. In our view there is no justification either for the one charge or the other, holding as we do that Government by their act of complete merger have clearly undertaken an obligation to maintain the Devaswoms efficiently.

With the records to which we have had access, we place before Government the several aspects from which the matter has to be viewed. Our conclusion is that, by the assumption of the Devaswoms in 987 M.E.—whether it be regarded as a trust or a political act of necessity—the Government are under an absolute obligation (that is to say without reference to the income from the properties taken over by the State or the existence of any property for any particular Devaswom) to maintain the Devaswoms in an efficient condition for all time to come from the general revenues of the State, keeping steadily in view the long continued practices and usages observed in them over since their foundation.

Whatever view may eventually be taken of the position of the State with reference to the Devaswoms and their properties, we would recommend that adequate measures should be adopted to conserve and safeguard the permanent rights of the holders of Devaswom lands enjoyed by them for over a century and fixity of tenure guaranteed to them. The pronouncement of Government contained in para 5 of the Devaswom reorganisation G. O. of 1912 with regard to the treatment of the Devaswom lands at the next settlement has created an amount of fear and discontent which it is necessary to allay by an assurance of Government, that the right of holders of such lands will in no way be whittled down.

## CHAPTER III.

### THE DEPARTMENT OF DEVASWOMS AND OOTTUPURAS

We have noticed in the preceding chapter that, when the Devaswom lands were assumed by Col Munro in 1870, he ordered that the rents should be collected by the Revenue Department, and that the Revenue Heads of the Taluks should supervise the institutions concerned. Although many attempts were made subsequently to segregate the Devaswoms from the control of the Revenue Department, owing to difficulties that stood in the way, the separation was not effected. To this day the arrangement made in 1870 continues.

Before saying anything about the feasibility of the separation of Devaswoms from the Revenue Department, we have to see whether the management of Devaswoms and Oottupuras under the control of the Sirkar stands in need of any improvement, and if so, in what directions. It is urged that, under the present system, there is much laxity in the management and supervision of the Devaswoms and Charitable institutions. With regard to this system Dewan Mr. Ramiengar wrote in his Settlement Memorandum of 1885 as follows — "There are now under direct Sirkar management 1549 temples scattered over the country, and 45 Oottupuras along the road from the Aramboli pass in the south to Parur in the north. They are under the supervision of the respective Thasildars subject to the control of the Peishkar,

Present  
management of  
Devaswoms

but owing to the multifarious duties devolving on these officers, the supervision exercised is more nominal than real. The consequence is that very gross abuses prevail in the administration of the institutions.

If all this is to be checked and if the institutions are to be restored and restricted to their original object and if the Devaswoms are to be properly managed, they must be placed under close supervision and this can be effectually done only by relieving the Tahsildars and Peishkars of this charge and substituting the supervision of a good and energetic officer who shall devote his whole time to visiting and controlling the various institutions and auditing the expenditure and checking the abuses. The officer would require a well-paid Inspector or Aminadar for each Division under him, a few clerks and accountants and some peons. The local establishments at the various pagodas and Chathrooms would also probably need to be revised and placed on a proper footing. § All this would of course cost more money than is now spent, but the additional expenditure would be repaid many times over by the increased economy resulting from the checking and prevention of abuses under the stricter management proposed to be introduced." "In a paper written by me so far back as the 6th of July 1882 on the reform of the revenue establishments of this State, I referred to this question of relieving the Revenue Officers of the management of the religious and charitable institutions and placing them under a separate agency." T. Rama Rao, the experienced Peishkar of Kottayam, in advocating the abolition of the Viruthy rights said "I take this opportunity to bring to the notice of Government that it is highly desirable that the supervision of Devaswoms and Oottupuras, whose

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§ The Patbivu and establishment of some of the important Devaswoms have since been revised and the Oottus have been re-organised and better pay given for the employees and menials.

management involves an expenditure of up-wards of 10 lakhs of Rupees at present, should be entrusted with sufficient powers to a Brahmin Officer of high standing and character to secure that efficient management."

Dewan Mr. Rama Rao, who expressed himself in favour of appointing a separate agency in his predecessor's time, made an attempt in that direction soon after he became the Dewan. He placed the Devaswoms and Oottupuras under four separate officers called Kariakars—one for each Division. This tentative arrangement, which unhappily was not conceived in a liberal measure, had to be given up after one year's trial, it having proved unsuccessful, mostly because of the inadequacy of the staff provided for the supervision of the very large number of institutions scattered broad cast over the State. In respect of this attempted segregation, which simply excluded the supervision of the local Tahsildars, Mr. Ramachandra Rao says: "This measure was bound to be a failure and it was rejected at the end of the years trial and the old system was adhered to" Mr. Ramachandra Rao himself, who travelled throughout the whole country and visited every institution examining minutely the details of its working, said in 1083 that, "the evils of the present system of taluk management of temples and other institutions in the State were powerfully borne on me by what I saw and heard in my tour throughout the State in connection with my special duty. I feel very strongly that it is absolutely necessary either to remove the management of Charitable institutions from the Tahsildar, or to establish a supervising agency unconnected with the Division authorities."

At the successive meetings of the Sri Mulam Popular Assembly, many Hindu representatives strongly criticised the management of some of these institutions by the Tahsildars, as it at present obtains. But their representation was an over-drawn picture. That

Pathivas and  
their defects

some of these institutions could be better managed and that there are abuses with regard to a few cannot be denied. 'There is no doubt that a separate Department, with full time officers, will be able to manage better, exercising a more efficient check and supervision over the expenditure of such a large sum as 12 to 14 lakhs—the amounts spent on Devaswoms and Oottupuras. It has to be admitted that much of laxity in the administration of the internal affairs of the institutions is due not so much to the want of supervision as to the inadequacy of the Pathivus which were fixed in Munro's time. The prices of articles for the daily poojas fixed a 100 years ago are found to be so absurdly low now, that it is unreasonable to expect a supply of the full allotment as per Pathivu. The miserably low pay of the subordinates also contributed to this. What lies at the bottom of these evils is, therefore, the low prices fixed and the poor pay of the subordinates. The Pathivus of some of the Devaswoms have now been revised; but, the evil that led to the inefficiency has not been completely removed. Except for Nithianidanam the Pathivus of the revised Major Devaswoms have, unlike as in Cochin, been given a fixed money value, without the quantities of articles required being specified. In the case of the Minor Devaswoms, the entire Pathivus have been fixed in money. The result is that the money Pathivu necessitates a curtailment of the important ceremonies, owing to higher prices prevailing and their fluctuating character. We are no doubt aware that, in fixing the Pathivus in articles, there will be practical difficulties in making allotments and bringing the whole expenditure under a regular budget control. But, this difficulty ought not to deter a fixation of Pathivus in articles. A sufficient margin may be allowed for the fluctuation in prices and the amount may be revised in the middle of the year when the Government will be in a position to know the actual expenditure incurred in the first half of the year. The procedure followed in Cochin in this

respect is stated thus in the G. O. issued by that Government in 1083. "The pathivus now fixed will however be in force tentatively for two years at the end of which a special report should be submitted by the Devaswom Superintendent recommending any change, if necessary, before the Pathivus is ordered to continue for a further period of ten years, after which it will again be subjected to a thorough revision. There is no necessity to make any distinction as regards the Major and Minor Devaswoms; the Pathivus in all should be fixed in quantities and not in money and although the system may lead to the inconvenience of additional allotments in case of rise in the prices, the Darbar consider that the money Pathivu may necessitate curtailing important ceremonies having regard to the prevailing high prices and also their fluctuating character. The paddy required will be supplied as far as possible from grain rents received. In regard to other articles, the budget estimates should be framed every year on rates obtained in open auction for their supply to be held in the 8th month of the preceding year." Here, in our State, in the Southern Division, the contract for paddy required for Devaswoms is given for two terms—the first from Kanni to Kumbhom and the second from Meenom to Chingom, both months inclusive. In the other Divisions, the contract is given for a whole year in Karkatakam of the previous year or earlier. Unless Pathivus are fixed in quantities, the same difficulty may recur again. We would therefore recommend in the interest of efficient management that the revised Pathivus should not be taken as fixed for ever, but should be subjected to revision periodically with reference to the rise or fall in prices of articles. We expect the revision of the Pathivus will be completed in the near future for all the remaining Devaswoms and along with it the revision of the pay of the Devaswom staff and the menials attached thereto. If the Pathivus are fixed in quantities of articles required, the

root cause will have been removed, when the revision is over. The only other improvement yet to be effected is as regards the supervising staff and the keeping of proper accounts, and checking abuses wherever they occur. The organisation of a separate agency will answer that purpose.

As regards this point, the late Dewan Mr. Gopalachari, in his reply to one of the representations in the third session of the Sri Mulam Popular Assembly, stated that it was not then possible with the growing demands upon the finances of the State to constitute a separate Department for the administration of Devaswoms which had appertained to the Revenue Department from time immemorial. He added that from tradition, prestige and authority, the Revenue Department seemed to be the best fitted to manage the religious and charitable institutions. It is true that the supervision, control and management of Devaswoms have been so interwoven and built into the fabric of the Revenue Department that, during the past 100 years and more, the structure has attained such a solidity that any attempt at its demolition and the segregation of the one from the other will be inevitably attended with considerable difficulty, labour and cost. But, it cannot certainly be said that such a measure is not feasible or impossible of attainment. The question would be whether the labour and cost which the separation may involve would be justified. Our answer is in the affirmative.

During the past 100 years, there have been many changes in the various Departments of political and social life, and any crystallised form of administration must be felt to be unsuited to present day environments. Again, the separation of the Devaswoms from the Revenue Department will meet the legitimate aspirations of the Christian and other communities who put forward a claim to share the appointments in the higher grades



working any difficulties are experienced, slight changes may be made afterwards.

We place the Taluks of Parur, Alengad, Kunnathunad and Muvattupuzha under the Alwaye group.

The Head quarters of the Devaswom Tahsildars, we have taken particular care to fix in centres where there are very important institutions and conveniently near, as much as practicable, to other similar institutions.

We append to this report a map \* showing the position of the temples in each taluk and the nature of our grouping, while the statement below gives the names of the several Devaswom groups, the taluks comprised in each, the number of Major, Minor and Personal Deposit Devaswoms included therein and the expenditure for each group as per the actuals of 1094.

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\* Under preparation.

**STATEMENT SHOWING THE DEVASWOM GROUPS, THE NO. OF DEVASWOMS INCLUDED  
UNDER EACH & THE EXPENDITURE THEREFOR**

Sl. No.	Devaswom group	Taluk included	Area in Sq. miles	No of Devaswoms			Expenditure Rs.	Remarks
				Major	Minor	Personal deposit		
1	Suchindrum	1 Thovala 2 Agastiswaram Total...	139.85 93.18 233.03	23 13 36	4 10 14	3 2 5	45,350 1,35,592 1,80,942	
2	Thiruvattar	1 Eraniel 2 Kalkulam Total...	99.82 176.65 276.47	17 20 37	8 25 33	... 1 1	25,526 99,492 1,25,018	
3	Neyyattinkara	1 Vilavalkode 2 Neyyattinkara Total .	137.00 233.35 370.35	15 26 41	8 56 64	1 ... 1	23,135 29,185 52,320	
4	Trivandrum	1 Trivandrum 2 Chirayinkil 3 Nedumangad Total...	97.26 146.50 366.04 609.80	28 8 17 53	45 22 40 107	... ... 4 4	72,576 26,083 8,590 1,07,249	
5	Quilon	1 Quilon 2 Kottarakara 3 Pathanapuram 4 Shencottah 5 Kunnathur Total...	147.41 202.03 425.67 129.14 171.49 1,075.74	7 15 10 11 2 45	4 30 7 ... 22 63	... ... 2 7* 2 11	22,413 17,692 9,804 32,703 6,376 89,988	* Two of these are outside the State.
6	Haripad	1 Karunagapalli 2 Kerttagapalli 3 Ambalapuzha Total...	88.99 74.26 115.74 278.99	7 9 21 37	47 12 13 72	... ... ... ..	21,052 38,277 63,311 1,22,640	

STATEMENT SHOWING THE DEVASWOM GROUPS, THE NO. OF DEVASWOMS INCLUDED UNDER EACH AND THE EXPENDITURE THEREFOR—(contd.)

Sl. No.	Devaswom group	Taluku included	Area in Sq Miles	No of Devaswoms			Expenditure Rs.	Remarks
				Major	Minor	Personal deposit		
7	Chengannur	1 Chengannur	79.32	5	16	0	18,730	
		2 Pathanamthitta	874.75	3	12	0	6,042	
		3 Thiruvella	140.82	4	35	0	52,727	
		4 Mavelkara	111.43	11	22	1	25,484	
		Total...	1,206.32	23	85	1	1,02,983	
8	Vaikom	1 Vaikom	135.84	11	12	1	56,089	
		2 Shertthallai	122.38	5	7	1	12,510	
		Total ..	258.22	16	19	2	68,599	
		1 Kottayam	172.84	15	20	1	30,079	
		2 Ettumannur	123.59	6	13	0	19,586	
9	Ettumannur	3 Meenachil	138.46	1	17	4	4,510	
		4 Thodupuzha	485.95	0	17	5	3,668	
		5 Changanachery	134.29	7	19	0	15,541	
		6 Permade	628.00	0	3	2	143	
		Total ..	1,684.13	29	89	12	73,627	
10	Alwaye	1 Parur	53.87	6	24	0	21,885	
		2 Alengad	127.34	3	12	9	6,684	
		3 Kunnathunad	293.88	1	17	1	2,248	
		4 Muvattupuzha	544.64	3	17	1	8,822	
		Total...	1,019.73	13	70	11	39,640	

The expenditure given is for 1094, as per statements received from Tahsildars and it is exclusive of that for Personal Deposit Devaswoms.

The status and pay of the officers proposed to be put in charge of the group by Mr. Krishna Aiyengar, are in our opinion, not quite adequate and commensurate with the responsibility to be entrusted to them, regard being also had to the fact that the head of each group will have to be responsible for an expenditure ranging between Rs. 35,000 and 2,00,000, per annum. They will have not only to control a large staff of subordinates and menials but to command respect of the people at large for the efficient conduct of ceremonies. The Taluk Tahsildar, who is now supervising these institutions, is an officer who is in a position to command regard and respect from all the people in his taluk, as he has necessarily to come in contact with them in the discharge of his multifarious duties. The work of the officers we propose to appoint is limited to the supervision of Devaswoms, not in one taluk but in several taluks. We think that they should be placed on a par with the Taluk Tahsildar in respect of pay and status.

Mr. Krishna Aiyengar's suggestion to appoint three officers; styled Devaswom Assistant Peishkars with a salary of Rs. 200 to 250 each, and to place them in charge a number of groups, does not commend itself to us. In our opinion, such officers serve no useful purpose, unless they are given ample powers. The delegation of such powers to this intermediate class of officers is not desirable. Besides, the intervention of an intermediate officer between the Tahsildar, who is the principal executive head in charge of a group and the Head of the Department, often retards business and is not very conducive to efficiency.

The subjoined statements give the details and the financial effect of the above scheme. In formulating our scheme, we have taken into consideration not only the memorandum of Mr. Krishna Aiyengar but also the proposals of Mr. Ramachandra Rao.

Financial effect  
of the scheme.

## DEVASWOM DEWAN PEISHKAR'S OFFICE

<i>Particulars</i>	<i>Monthly pay</i>		<i>Total annual expenditure</i>	
	Minimum	Maximum	Minimum	Maximum
<i>(a) Officers.</i>				
1 Devaswom Dewan				
Peishkar	500	700		
1 Assistant to do.	250	350		
Total of A	750	1,050	9,000	12,600
<i>(b) Establishment</i>				
1 Sheristadar	100	100		
1 Head clerk	70	70		
1 Expert in Tantra				
Sastram	50	50		
1 Head Accountant	60	60		
6 Accountants 1 (50), 1 (40), 1 (30), 1 (25), 2 (20)	185	185		
6 Clerks 1 (50), 1 (40), 1 (30), 1 (25), 2 (20).	185	185		
1 Typist	40	40		
1 Mochi	12	12		
1 Duffadar	12	12		
7 Peons 1 (10), 3 (9), 3 (8)	61	61		
3 Peons to Assistant 1 (10), 2 (8)	26	26		
Total of B	801	801	9,612	9,612
<i>(c) Travelling allowance</i>				
T. A. to officers	150	150		
T. A. to establishment	75	75		
Total of C	225	225	2,700	2,700

**(d) Contingencies.**

Office rent	600
Lighting charges	36
Anchal charges	300
Telegram & Postal charges	40
Binding charges	36
Cleaning charges	36
Purchase & repair of furniture *	50
Miscellaneous	50
Total of D.	<u>1,148</u>
Grand total	<u>22,469</u>

**DEVASWOM TAHSILDAR'S OFFICE**

<i>Particulars</i>	<i>Monthly pay</i>		<i>Annual Expenditure</i>	
	Minimum	Maximum	Minimum	Maximum

**(a) Officers.**

1 Tahsildar	150	200	1,800	2,400
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**(b) Establishment.**

1 Head Clerk	35	40		
3 Clerks 1 (25), 2 (20)	65	65		
2 Accountants 1 (30), 1 (20)	50	50		
1 Duffadar	10	10		
5 Peons 2 (9) and 3 (4)	42	42		
Total of B	<u>202</u>	<u>207</u>	<u>2,424</u>	<u>2,484</u>

\* A portion of the furniture available in Padmanabhapuram may be ordered to be given to the Devaswom Dewan Pelsbhar.

*(c) Travelling Allowance*

T. A. to officers	50	50		
T. A. to Establishment	15	15		
Total of C.	65	65	780	780

*(d) Contingencies*

Office rent †	240
Lighting charges	12
Anchal charges	50
Telegram and Postal charges	12
Cleaning charges	24
Purchase & repair of furniture ‡	12
Binding charges	12
Miscellaneous	24
Total of D	386
Grand total for 1 Tahsildar's Office	5,390
do. for 10 Tahsildars' Offices	53,900

† In places where there are office buildings available for holding the new office, there is no necessity to rent out any.

‡ The chair and table used by the clerks to be detailed to the new Department may be given by the Taluks concerned to the new Devaswom Tahsildar.

The above establishment is for a normal Devaswom group. It is likely that some groups, such as Suchindram and Vaikom, may require more staff, and that some groups, such as Alwaye, may not require the whole staff provided. Of course the Devaswom Peishkar may be given freedom to adjust the establishment with reference to the actual volume of work in each group. We have calculated the pay of the Devaswom Peishkar and Tahsildars only at the lowest grade. This does not mean that all the officers to be appointed should be of the lowest grade. Should at any time in the near future the pay of the officers and subordinate staff in the Revenue Department be revised, as we hope it will the officers and staff of the Devaswom Department also should be made entitled to share the benefits of the revision.

## TOTAL EXPENDITURE ON ACCOUNT OF DEVASWOM DEPARTMENT

Peishkar's Office	Rs. 22,460
Ten Tahsildars' Offices	Rs. 53,900
Total	<u>Rs. 76,360</u>

From the total expenditure referred to above, *viz.*, Rs 76,360, per annum, the expenditure now incurred on account of the pay and allowances of the Devaswom Oottu Aminadars and the pay of the clerks doing Devaswom work in Taluks and Divisions may be deducted. The savings on account of the above officers and clerks amount to Rs. 7,240 as shown below:—

	<i>Monthly.</i>	<i>Annually.</i>
1 Pay of 30 clerks on Rs. 15 each, to be surrendered by the taluks except Meenachil, Thodupuzha, Peermade and Devikulam.	450	5,400
2 Pay of two clerks on Rs. 26 each, to be surrendered by the Divisions (Quilon and Kottayam)	40	480
3 Pay of the four Oottu Aminadars on Rs. 20 each.	80	960
4 T. A. to Oottu Aminadars		400
Total		<u>7,240</u>

Besides the above, we think other retrenchments also could be effected by a reduction in the present number of Stationery Magistrates and by the amalgamation of the Padmanabhapuram and Trivandrum Divisions into one.

We are of opinion that three of the Stationery Magistrates, *viz.*, at Arukutty, Paravur and Kolachel, can be abolished *pari passu*, with the creation of the new Department. As full



time Magistrates, they have at present comparatively very light work to do. The Stationary Magistrate's court at Arukutty has been in existence for a very long time. In the troublous old days a court was found to be necessary there, as it was a frontier station. Then the Magistrate was not only the guardian of the public peace but was the chief executive officer of the Customs, Excise and Police. There is now a separate Police Department and we have an efficient Preventive staff in the Excise Department. Two Stationary Magistrates' courts have recently been established at Shertallai and Vaikom. From these two taluks a few Pakuthies have been made over to the jurisdiction of the Arukutty Magistrate. Now that there are Steam and motor launches plying in our back-waters and there is regular Motor service between Cochin and Alleppey through the Vembanad lake, we think that the Stationary Magistrate's court at Arukutty may be safely abolished. Originally, the Kolachel Sub-Magistrate was also the Port Officer and Bunder master. With the creation of the Excise Department, his duties as such ceased. So far as Paravur is concerned, there is already a Stationary Magistrate for Quilon Taluk. By the train Paravur is only half an hour's journey from Quilon. The Parur Magistrate's Court was in existence before the Quilon Stationary Magistrate's Court was created. *Though conditions have changed and these Magistrate's places could have been abolished earlier, we believe that they were kept on more as affording training ground for Magistrates than for any really great measure of relief for criminal work.*

At present, there are five Revenue Divisions in the State, of which Devikulam stands on a different footing and must be excluded from our consideration. The number of taluks and the volume of work in each of the other four Divisions are unequal. Two of us have some experience in this matter, having been in charge, for some time, of the smallest and biggest divisions. When the Devaswoms are removed from the control of the

Revenue Department, the office work of the Dewan Peishkars which now takes away a good portion of their time, as also the circuit work for the purpose of supervising Devaswoms, must necessarily diminish to some extent, especially so, in the southern Division, where the work on account of Devaswoms is comparatively heavier than in the other Divisions. In the Trivandrum Division also, some diminution of work may be expected in consequence of the proposed arrangement. In these circumstances, and having regard to the area, population, facilities for communication, the distances to be traversed in circuit, and various other considerations, it seems to us that both the Padmanabhapuram and Trivandrum Divisions can conveniently be amalgamated to form one Revenue Division the two Division Assistants of Padmanabhapuram and Trivandrum being allowed to continue as at present. We are not unaware that a sentimental objection will be raised to this amalgamation on the ground of the importance of Padmanabhapuram which was at one time the Capital of Travancore. Padmanabhapuram, especially the Fort, has become so unhealthy of late that no permanent Dewan Peishkar continues to reside in the Head-quarters for a week together. We do not think that there is much force in the sentimental objection. In advocating the amalgamation, we would urge that Trivandrum should continue to be the Head-quarters of the new Division, as being the present capital. The new Division to be created may be called the Southern Division. The farthest point in the new Division, *viz*, the Cape or the Muppandal frontier, will not be more than 54 miles from Trivandrum. The good state of the main roads of this Division and the existence of a net work of feeder roads which are comparatively in good condition, afford complete facilities for travelling which no other Division in the State enjoys. We would therefore strongly recommend to Government the amalgamation of the two Divisions into one, under the name of the Southern Division.

According to our calculation the savings to Government on account of the abolition of the Stationery Magistrates' court mentioned above, and the amalgamation of the Trivandrum and Padmanabhapuram Divisions, would come to Rs. 20,940 as detailed below:—

SAVINGS ON ACCOUNT OF THE ABOLITION OF THREE  
STATIONERY MAGISTRATES' COURTS

	<i>Monthly</i>	<i>Annually</i>
Three Stationery Magistrates		
on Rs. 100 each	300	3,600
Their Staff	273	3,276
Their contingencies @ Rs 100 each		300
Total		<u>7,176</u>

SAVINGS ON ACCOUNT OF THE AMALGAMATION  
OF TWO DIVISIONS

1 Peishkar	500	6,000
1 Sheristadar	70	840
1 Head Clerk	50	600
1 Assistant Clerk (30)	30	360
1 Do (25)	25	300
2 Do. (40)	40	480
1 Copyist (10)	10	120
1 Mochi	10	120
1 Daffadar	10	120
3 Peons (8)	24	288
4 Peons (7)	28	335
Travelling allowance	150	1,800
Contingency	125	1,500
Total		<u>12,864</u>
Grand Total		<u>20,040</u>

In calculating the Savings on account of the amalgamation of the Padmanabhapuram and Trivandrum Divisions, we have provided for a sufficiently large clerical staff for the amalgamated southern Division *viz.*, 21 clerks, which is 2 more than the present number in the Quilon Division and one more than that of the Kottayam Division. The pay of one clerk on Rs. 30 has also been reserve to make the pay of the Sheristadar of the combined Division equal to Rs. 100. These two additional clerks are intended for dealing with remission statements, statement of perished crops and Kodayar papers, which are a special feature of the southern Division.

If the above savings are deducted, the expenditure on account of the proposed scheme comes to Rs. 49,080. This expenditure, we do not think, is too much for a Department which spends annually 12 to 14 lakhs of rupees. In Cochin, there are 139 Devaswoms, Major and Minor, Incorporated and Unincorporated, having a Pathivu expenditure of 1,76,753 Rs. The supervision charges on account of the Devaswom Department in that State, is Rs. 19,562, according to G. O. No. 1391 of 93, dated the 6th August 1909. This amount forms 11.5% of the entire Pathivu expenditure. Here in Travancore, at present, we have 996 Devaswoms of all denominations under Sirkar control, having an annual Pathivu expenditure of about 12 lakhs of Rupees. According to the scheme proposed by us, the entire expenditure on account of the Devaswom Department comes to only 6.25% of the Pathivu amount. This shows that, while, in Travancore, the amount spent on Devaswoms is about 7 times that expended in Cochin, the charges on account of supervision and control come to only about a little more than three times the cost incurred in that neighbouring State.

The questions arises whether, consequent on the separation of the Devaswoms from the Revenue Department, retrenchment

could not be effected in another direction, by clubbing together or adjusting the territorial limits of some of our taluks, and reducing their number. No doubt, there is room for such a retrenchment being effected. But as it is our idea that the introduction of too many radical changes at the same time may bring about complications and may not work smoothly, we would for the present simply indicate the lines on which such a change may be effected. Adopting the motto of *Festina lente*, we would give for the newly formed Devaswom Department time to get itself into complete working order. Some time should also elapse before work in other Departments adjusts itself under altered conditions. As however, the subject of the fusion of taluks is an important one, and as we have taken this opportunity to collect statistics bearing on the subject from various sources, we consider it necessary to devote a separate chapter to it. We accordingly deal with this important subject in chapter IV.

The same supervision and control will be exercised by the Devaswom Dewan Peishkar and Devaswom  
Powers and responsibilities Tahsildars over the religious and charitable institutions as are now exercised by Division Peishkars and Taluk Tahsildars. So far as disciplinary control over the subordinates is concerned, we would invest them with the very same powers now possessed by the latter class of officers. The Tahsildar of a particular Devaswom group should draw money on contingent bills signed by him from each of the treasuries in his group instead of the old system of each Taluk Tahsildar drawing money from his own treasury. The intervention of the Proverthicar, so far as regards the management of Minor or Non-ezhuthitheeruva Devaswoms, may also be done away with, the Devaswom Tahsildar dealing direct with the accountant, Chandiram or the Santhikaran (in the cases of Devaswoms where there is no separate supervising agency at the spot other than those mentioned above) of the institutions concerned. Each

Tahsildar may also be allowed a permanent advance of Rs. 300 to meet very urgent and unforeseen calls. So far as the administration of the Perumanam Devaswom is concerned, the present Kariakar will be under the control of the Devaswom Department to the extent necessary for rendering accounts and conduct of the Oochapooja (உதாபூஜா) in the temple.

The elephants attached to Devaswoms are now under the care and supervision of the Revenue Tahsildars, the expenditure on their account, *viz*, for fodder charges, Kavalams, pay of mahouts, treatment etc, being now met from the Land Revenue Budget. Since these elephants are solely intended to be used for processional purposes in temples, the control over them may be transferred to the Devaswom Department, the necessary allotment therefor being also surrendered to it.

Another point about which we have to make mention in this connection is with regard to Nandavanams. Most of the Nandavanams attached to Devaswoms are now suffered to be encroached upon by private individuals. Some Nandavanams have been leased out by the Taluk Tahsildars on Kuthakapattom. Many of the Nandavanams are in a neglected condition. It is necessary that all Nandavanams belonging to Devaswoms should be well planted with flower plants and should be attached to the respective Devaswoms concerned. We would therefore, in advocating the transfer of the control over them to the Devaswom Department, recommend that a special allotment be made every year in the Devaswom Budget for their up-keep and maintenance.

The Devaswom Dewan Peishkar may be entrusted with the supervision and control of the Japadekshina Department, and of the Kattalas performed outside the State, at Sirkar expense,

such as at Thiruchandur, Rameswaram etc., including the management of the charities at Benaries and other places. The payment of grants to the Thiruvaduthura, Thirukkanamkudi and other Matoms and Satroms which are now charged to the head of Devaswoms and State Charities may also be transferred to the Devaswom Department.

There is an apprehension that once the supervision of the Devaswoms and State charities is segregated from the Revenue Department, the affair of those institutions will not get on satisfactorily. We do not share in that apprehension. As the G. O. appointing this Committee states, such an apprehension will hold good only as long as it is *not* in contemplation to create a superior class of officers of equal status and prestige as Taluk Tehsildars to supervise the affairs of those institutions.

Mr. Ramachandra Rao has, in his report, dealt with the introduction of the popular element in the management of Devaswoms. We fully share his views that the popular element should be associated with the management of less important or Minor Devaswoms. We would even go a step further and say that such association may be freely resorted to in the case of more important Devaswoms also. But, in this matter, we do not think that any hard and fast rule should be laid down by us. The measure, we think, is one which may be left to the discretion of the Devaswom Peishkar whose duty it will be to make proposals to Government for the formation of such Committees or Associations according to local conditions and the circumstances of each temple.

The next point we have to deal in this connection is whether any of the superior grades of officers in the Devaswom Department should be invested with Magisterial powers. Even

responsible people, whose opinion is entitled to great weight, labour under an impression that if the superior <sup>Magisterial</sup> officer on the spot answerable for the conduct of powers not necessary. the important ceremonies is not invested with magisterial powers, he will not be able to conduct those ceremonies as efficiently as he would if he had such powers. No doubt it would be an advantage if the superior officer at the spot happens also to be a Magistrate. With the generality of mankind the fear of punishment is a greater deterrent which keeps them from criminal ways than the actual punishment itself. When a Magistrate is so near at hand, the low paid subordinates and menials, in whose way a temptation is thrown and to whom scope is afforded for pilfering the every day necessities of life including eatables which he handles, may entertain wholesome fear. But we do not think that the investiture of such power is a *sine-qua-non* for the efficient and successful conduct of the ceremonies.

At one time, we had in South Travancore a special Magistrate called അററകുൽ പോലീസ് charged with the duty of trying criminal cases arising in the distribution of water in various irrigation channels of Nanjinad. When the Irrigation Department was reorganised, the control over this special Magistrate was taken away from the Dewan Peishkar and entrusted to an Assistant Engineer, who was invested with the powers of a Second Class Magistrate.—It is within the memory of some of us, that this arrangement did not work satisfactorily and without friction. Subsequently, when the post of this Engineer was abolished and when the work of distribution of water was entrusted to the Public Works Department, it was feared that, without Magisterial powers, the distribution work could not get on and that the deprivation of the said powers from the distributing officer was a mistake. We now see that the D. P. W. is doing the work



satisfactorily without the aid of Magisterial powers. If any criminal offences connected with distribution of water takes place they are tried in the regularly established Magistrates' courts.

Similarly again, when the Excise Department was newly organised, it was thought that the absence of Magisterial powers in Excise Officers, part of whose duty consisted in making searches and detecting offences against the violation of Excise and Customs laws, would be greatly felt. But we see that that Department also does its work without Magisterial powers

We are not therefore in favour of investing the class of officers we propose to create, with any Magisterial powers. We understand that the experimental measure at Vaikom, where the Devaswom manager was entrusted with the powers of a Third Class Magistrate, was abandoned as the result of the experience gained in actual working. We do not want to clog the Devaswom Officer with the duty of trying cases sending calendars, and for Magisterial purposes being placed under a different superior and be answerable to him. If, however, the Devaswom Dewan Peishkar finds it absolutely necessary in special cases that any of his officers should be invested with Magisterial powers, he may make a representation to Government and get it done. The exceptional course may be necessary, if at all, only in the case of a very few Tahsildars, such as those of Suchindram or of Vaikom. But even then, we would strongly object to his trying any cases connected with his Department, as he must have inevitably as the executive head, come in possession of facts which might, humanly speaking, lead to prejudice either way. The only power that he should have in such cases is to make arrests or grand remands.

The Ulsavoms in certain important temples, including the Car festivals, which are a special feature of the temples of Thoyala, Agastiswaram and Kalkulam, are now conducted

by the Division Peishkar with the assistance not only of the local Tahsildar but also of the neighbouring Tahsildars who are all ex-officio Magistrates. Of course, large crowds of people of all denominations gather on such occasions and proper Police Bundavasth is generally necessary. It should not be understood that, by the creation of a separate agency for the administration of Deva-swoms, that the Revenue and Police Departments are completely relieved of their duty in this direction. On the other hand, they must be strictly enjoined to co-operate heartily with the Deva-swom Department not only in making these functions a success, but also in preserving order on those occasions and in the fairs that are held as part of those Ulsavams

The next point which we have to deal is with regard to the conduct of the ceremonies in the Capital. These ceremonies may be brought under one or other of the following classes, viz., (1) the Thirunal, (2) the two Bhadradeepams, (3) the two Ulsavams, (4) the sixennial ceremony of Murajapam and (5) other special ceremonies performed under the command of His Highness the Maharaja. Most of these ceremonies are connected with the Sripadmanabha Swami temple at the Capital which has a Government of its own and the Agrasala attached thereto. We do not propose any change so far as the duties in that institution now performed by the officers and subordinates of the Revenue Department are concerned. In his administration Report of 1048 and 1049, the late Dewan Mr. Seshia Sastri stated as follows;—

“The most celebrated and venerated pagoda in the State, viz., that of Sripadmanabhaswami, has a Government of its own unconnected with the State, the Sovereign having but half a vote among the governing body which consists of one Namburi Sannyasi; 16 Potti Brahmins and one Nair nobleman, (possessing

Co-operation of  
other Departments.

Ceremonies at  
the Capital and  
Sreepadmanabha  
Swami's pagoda.

with others a single vote) who constitute the honorary trustees. The revenue of the lands \* belonging to this pagoda amounts to Rs. 75,000 and it goes to defray the daily expenses of the institution, any surplus being credited to the State treasury and deficits, very rare, being made good from it. By virtue of the half vote enjoyed by the Sovereign, the whole management and supervision of the temple vests in the Sovereign who appoints the necessary establishments and arranges for the due performance of services." In these circumstances, we would exclude from our consideration any details connected with that temple. The First and Second Tahsildar will, as at present, continue to do all the duties connected with the Agrasala and the Mathalakam.

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\* The Melkanganam and Sanketham Tahsildars posted respectively at Trivandrum and Padmanabhapuram with an establishment under them manage these lands.

## CHAPTER IV.

### CLUBBING TOGETHER OF TALUKS.

An outsider studying for the first time the Revenue Administration of Travancore cannot but be struck by the disproportionately large number of taluks and taluk treasuries in the State. A study of the past history of Travancore will show that these taluks were not formed on any definite basis for purposes of administrative facility. Most of them were at one time small principalities under petty Chiefs who exercised sway as Rajas. One after another, they were subjugated by Raja Marthanda Varma of immortal memory and consolidated by that Sovereign into the present State which has an area of 7,696·30 sq. miles. Including the recently formed taluk of Pathanamthitta which was carved out of Chengannur and the two taluks of Devikulam and Peermade into which the hilly tracts of the High Ranges were divided, we have at present 34 taluks in all. Of these, 7 taluks are below 100 sq. miles, the smallest of them being 53·87 sq. miles in extent; 17 are under 200 sq. miles; 3 are between 200 and 300 sq. miles; and the rest exceed 300 sq. miles. Thus it will be observed that not only is the number large but the areas too is quite uneven.

The attention of Government was drawn to this anomalous state of things so long ago as 1057, when, the late Dewan Mr. Ramiengar, in his "Memo on Revenue Reform," observed as follows:—"This raises the question why should Travancore be so minutely subdivided for administrative purposes. These small taluks mean a large establishment of subordinate petty officials than is necessary for efficient administration, and a large establishment of subordinate petty officials than is necessary for efficient administration means vexation and

oppression to the people. There can therefore be no doubt as to the desirability of re-distributing the taluks with a view to reducing their number, and this has, I believe, been often thought of. Indeed my attention was called to it shortly after, I assumed charge of my office when the question of the Reform of the Police was under consideration in January of last year. But while fully admitting the importance of moderately enlarging the size of our taluks and reducing their number, I confess that, after the most anxious consideration I have given to the subject, I see difficulties which preclude the possibility of the reform being carried out present. The Revenue system under which the Government dues are now received partly in kind and partly in money, the want of accurate revenue accounts in the absence of a regular survey and settlement; the complicated and often anomalous rules under which the land revenue demand is determined and collected, due no doubt partly to the intricate and varied nature of the existing land tenures, but chiefly to the short-sighted policy of a past age which considered the interests of the State as opposed to those of its subjects; the onerous and multifarious duties which in a Native State the maintenance of her religious and charitable institutions necessarily imposes on her revenue servants, these render the work of the Tahsildar and his subordinates so heavy, that I do not think that at present the taluks can be considerably enlarged except at the sacrifice of efficiency. The separation of the Police has brought the first instalment of relief to the overburdened Revenue executive. Other changes in the same direction namely, a simplification of the Revenue system and accounts based on an accurate if not a scientific survey; a separation of the duties connected with the management of our extensive religious and charitable establishments from purely revenue and magisterial duties; the relegation of the charge of Maramath works, except perhaps to a small and unavoidable extent to the professional department of Public Works—these must precede in my opinion any attempt at materially reducing

the number of taluks; and if I have prominently called attention to the subject now, it is only to show the importance of the measure and necessity of keeping it in view."

Again, the Government, in their proceeding dated 6th July 1882, expressed their regret that the then arrangement did not admit of the number of the taluks being reduced, but stated that the question would be kept in view and reconsidered when other arrangements which were at that time contemplation rendered the measure practicable.

An attempt was made during the regime of Dewan Mr. V. P. Madhava Rao to accomplish this object when he brought in the account reform. But beyond inviting opinions from the Dewan Peishkars and other officers, nothing tangible was done in that direction. The question could have been tackled when completing the Settlement operations. But, that opportunity was not taken advantage of. Mr. Padmanabha Aiyar observes in his Settlement Final Report that, "It will be going too far to say that the omission to carry out the original intention in this respect is the result of the recognition of the suitability of the present taluks and the non-desirability of carrying out any rearrangement in view of local conditions."

Now, most of the difficulties which originally proved to be impediments have one after another, been removed. Taxation in kind has been abolished; the whole State has been brought under a scientific survey; the settlement operations have been closed; the revenue accounts have been simplified and systematised; the Viruthy services have been done away with; the administration of the Excise revenue has been placed under a separate Department and the most important of the Maramath works have been relegated to the professional agency of the P. W. D. The time is therefore come when the question may be seriously considered as to how far the number of our taluks can be conveniently reduced.

But in reviewing the settlement Final Report, the late Dewan Sir P. Rajagopala Chari expressed the opinion that, "In regard to the taluks, however, the Government are by no means certain that a *substantial* reduction of the number will, at any time, become possible. The large increase in the land revenue which has taken place in recent years and the higher quality of work now demanded (and which is certain to be demanded to an increasing extent in the future) will render any substantial increase in the average size of a Taluk inexpedient. But, while the total number of the Taluks will have practically to remain unchanged, His Highness' Government recognise that a revision of the taluk boundaries may, in some cases, be made to the advantage of the public and with beneficial results to the administration of the Land Revenue Department."

It is clear that this opinion was arrived at by Sir P. Rajagopala Chari having in view the then state of things under which the Tahsildars were burdened with the duties of Magistrates and the supervision of Devaswoms—two important items of work, which took away a good portion of their time and demanded considerable attention and concentration. But, the tendency has been of late to segregate magisterial functions from the Tahsildars and appoint Stationary Magistrates by way of relief to them. We see that Stationary Magistrates have been appointed in so many as 21 stations; and that 6 of them were created after the date of this review. Now, the separation of the Devaswom from the control of the Tahsildars is expected soon to become a *fait accompli*. Recently, relief in another direction has also been given to them by the appointment of Assistant Tahsildars who have been charged with the duty of attending to the Land Records Maintenance, survey

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† Quilon. Thiruvella, Shertallai. Mundakayam, Karunagapalli, Muvatturupuzha.

sub-division, transfer of pattas, &c. We think, therefore, that, in the interests of economy and without sacrificing efficiency, a forward step may be taken by amalgamating some of the small taluks and reducing their number. But, we do not think that we should enlarge our taluks to the size of the British taluks which in our opinion, are much too large for a single officer, with the establishment now allowed to the taluks in Travancore.

With a view to see how far any reduction could be made in the number of our taluks consistently with efficiency of administration under modern conditions, and savings effected by such a course, we obtained statistics regarding the revenue work done in the similarly circumstanced British Districts of Tinnevely, Madura and Malabar and in the State of Cochin. They are appended to this report.

Let us first take up for comparison the area, the population and the land revenue of the several taluks in this State and in the Districts noted *supra*. For ready reference the figures are given below in a tabular form.

	TALUK	Area exclud- ing Reserve Forests	Population	Land Revenue
Travancore	Thovala	57.72	34,503	1,41,388
	Agastiswaram	89.21	1,04,910	2,65,843
	Eraniel	96.38	1,23,553	84,497
	Kalkulam	85.02	76,211	88,978
	Vilavankode	133.21	88,790	69,662
	Neyyattinkara	225.35	1,78,703	1,16,970
	Trivandrum	97.26	1,53,138	70,175
	Nedumangad	217.94	88,147	87,261
	Chirayinkil	146.50	1,35,877	71,329
	Quilon	147.41	1,13,967	1,09,351
	Kottarakara	202.03	90,366	99,431
	Pathanapuram	425.67	56,769	77,812
	Shencotta	46.68	38,302	85,666
	Kunnathur	171.49	91,390	90,433
	Karunagapalli	88.99	1,34,107	1,39,784
	Karthigapalli	74.26	1,11,570	1,16,031



It will be seen from the above statement that, while the average area of a taluk in Tinnevelly is 348'42 sq. miles, exclusive of Zemindars and whole Inam villages, the average area of a taluk in Travancore is only 143'70 sq. miles, excluding Reserved Forests, that is less than onethird of the area of a British taluk. Out of the 34 Taluks in the State, 20 are below this average. In the District of Tinnevelly, the average revenue collection of a Taluk is Rs. 4,09,527. In Travancore, the average collection is only 1,03,008, that is about one fourth of what British taluk collects. In respect of Malabar and Madura, as we have statistics only for two taluks of each District, and as the area given for the taluks of Madura is inclusive of Reserved Forests, we are unable to institute a proper comparison. But, it will be observed that Valluvanad Taluk of British Malabar is bigger in extent than our biggest taluk with a correspondingly high revenue demand; while, even Calicut, small as it is, is nearly one and a half times the size of our average taluk, with a proportionately large amount of revenue collection. The average area of a Cochin Taluk is 195'37 sq. miles, while the average revenue demand of a taluk in that State is nearly Rs. 2,43,315 or Rs. 1,40,507 more than that of an average Travancore taluk.

Apart from the area and revenue demand, there are other items of work, a comparison of which in the various taluks both of our State and the adjoining territories, would be useful for gauging the work done by one Tahsildar. Let us take the volume of work done by one Tahsildar. Let us take the volume of work turned out under *checking of encroachments, transfer of pattas, Land Records Maintenance and Survey sub-division*. The subjoined statement compares the average quantity of work done by our Tahsildars under the above heads with that done by the Tahsildars of Tinnevelly, Malabar, Madura and Cochin:—

Potamboke encroachments.		Transfer of pattas		Land Records Maintenance				Survey Sub division	
Average No. of cases for disposal	Average No disposed of	Average No. of cases for disposal	Average No. disposed of	No. of stones as per A & B Register	Average No of stones verified and inspected	Average No of stones requiring renewals &c	Average No. of stones repaired, renewed &c	Average No. of sub-divisions to be made	Average No. of sub-divisions actually made
184	...	...	1,455	...	5,869	...	1,635	...	651
870	749	6,899	4,475	1,43,129	1,42,923	4,920	2,925	1,675	1,495
119	..	1,654	1,409	...	...	...	2,452	-	1,045
126	-	...	1,620	...	4,00,033	...	1,672	...	360
720	...	1,455	1,194	...	...	...	...	...	53

It will be seen from the above statement that, while in our taluks 184 poromboke encroachment cases are detected annually on an average, in the Tinnevely District, on an average, 870 cases are found out in one taluk. Out of this number, a Tinnevely Tahsildar disposes of in a year, as many as 749. As figures have not been furnished by our Tahsildars with regard to the correct number of disposals under this head, we are unable to institute a proper comparison in that respect. In Malabar and Cochin, 117 and 126 cases of encroachment come up for disposal in one year. These figures are less than those of ours. In Madura, 720 cases come up for disposal for each taluk. The figures furnished in respect of Malabar, Madura and Cochin do not contain details as to the number actually disposed of in a year.

The next item that claims our attention is transfer of pattas. In British India, transfer of patta cases are attended to not only by Tahsildars but also by Deputy Tahsildars and Revenue Inspectors. In Travancore, the work is done solely by Tahsildars. While 1,455 cases are disposed of in a year in each taluk in Travancore, 4,475 cases are seen to have been disposed of in each taluk in Tinnevely, that is more than three times the number disposed of in Travancore. In respect of Malabar, we have not got correct figures. The statements received from Cochin show that the Tahsildars of that Darbar dispose of in a year 1,620 cases are 165 cases more than what a Travancore Tahsildar does. The work under this head in the District of Madura, as seen from the figures supplied for two taluks, is less than what is done in Travancore.

Under Land Records Maintenance, the work done by our Tahsildars is very poor and is considerably less than turned out in Tinnevely and Cochin. It is seen that in the District of Tinnevely, the land records work is attended to not by the Revenue

Tahsildars and his Firka Inspectors but a separate agency consisting of a Land Records Tahsildar for the whole District and 8 Land Record Inspectors, one for each taluk, with the help of the Village Karnams. But the Revenue Tahsildars have to check the work of the Revenue Inspectors and Karnams in the matter of the inspection of stones. While 5,869 stones (both theodolite and field) are inspected in a year in each Taluk in Travancore, 1,42,823 stones are seen to have been inspected, in one Taluk in the District of Tinnevely. In Cochin, as many as 4,00,033 stones are found to have verified in a year in each taluk. The very large number of stones inspected in Tinnevely and Cochin is due to the fact that the stone registers maintained there are always current. In Travancore, by a recent order, the work of inspection of field stones in survey numbers other than porambokes has been suspended for the present. Again, while our taluk officers repair or renew in a year 1,635 stones in each taluk, the Tinnevely and Cochin Officers attended to 2,925 and 1,672 stones, respectively. The statement received for the two taluks in the District of Madura does not furnish information on this point.

In respect of survey sub-division also, the work turned out by our officers seems to be much less than that done by the Tinnevely and Malabar Officers. In British India this item of work also is done by the Land Records Tahsildar and his Inspectors. While 651 sub-divisions are made in a year in each taluk in Travancore, 1,495 and 1,045 sub-divisions are seen to have been made in the Taluks of Tinnevely and Malabar respectively in each year. Cochin makes on an average only 360 sub-divisions.

There is yet another important item in respect of which our Tahsildars have to do a large volume of work. We refer to the assignment of lands on Pudual or Darkhast rules. Under

this head, the average number of cases that comes up for disposal for one Tahsildar in Travancore in 643, while the number that requires disposal for one Tahsildar by one Tahsildar in Tinnevely is only 317. On account of the nature of country also, Puduval work in Travancore is more difficult than in Tinnevely. From the statements for Malabar it is seen that there was no work under this head for the last official year in the taluk of Valluvanad, while there was only one case for disposal in the Calicut taluk. In Cochin the cases of assignment of land for each taluk come up to 28 on an average. The large area available for registry in Travancore and the Puduval policy followed here are mainly responsible for this large volume of work. But this item of work is bound to go down in course of time.

The excuse of our Tahsildar for doing a comparatively small quantity of work under the different revenue heads is that they have to attend to original magisterial and Devaswom functions. In British India, the Thasildars have, in addition to the common items of work referred to inspection of crops, work connected with the collection of Excise revenue, Income-tax work; Minor irrigation work and season remissions which our Tahsildars have not to do. Under the Settlement Royal Proclamation of 1058, our Government, with a view to encourage and promote agricultural Industry, have given up the right of levying enhanced tax consequent on dry lands being turned into wet or *vice versa* or single crops being converted into double crop lands. In the southern Division and in the Taluk of Shencottah, remissions are allowed to a limited extent for perished crops; and in exceptional cases, for wholesale tharisu in bad reasons.

Under the disposal system in vogue in Tinnevely, the number of currents received and disposed of under each head appears to be small when compared with our taluks, owing to the fact that only one number is given to all letters dealing with a particular

subject. If each letter is given a separate number, the number of currents in the taluks of Tinnevely would also have been greater.

Having regard to the facts explained above, we think that the number of our taluks can be reduced, without sacrificing efficiency, either by clubbing together such of them as would conveniently admit of amalgamation or by adjusting the territorial limits of a few others

Before taking up the question of fusion of taluks, it is necessary in our opinion that the Pakuthies in the State which form the unit of administration for revenue and other purposes should be split up into convenient sizes. Our present pakuthies are much too large for one Proverthicar and one accountant to look after efficiently. When the last survey and settlement were organised, it was in contemplation to have a smaller unit for the pakuthy. But, owing to some reason or other, the old unwieldy Proverthy was split up into two or three Pakuthies, without having regard to the actual area coming thereunder or the number of pattadars included therein. The following statement gives the total number of villages or pakuthies in each taluk and the average area of a pakuthy or village in the taluks Travancore, Tinnevely, and Cochin, together with the average unumber of pattadars for each village,

	TALUK	No. of Pakuthies	Average area of a pakuthy in sq miles	Average number of pattadars per pakuthy
Travancore	Tovala	11	5.24	852
	Agastiswaram	15	5.94	1,563
	Eraniel	13	7.41	3,483
	Kalkulam	11	7.73	1,613
	Vilavancode	13	10.25	1,124
	Neyyattinkara	18	12.52	1,273
	Trivandrum	25	3.89	1,023
	Chirayinkil	31	4.73	1,055

	TALUK	No. of Pakuthies	Average area of a pakuthy in sq. miles	Average number of pattadars per pakuthy
Travancore	Nedumangad	12	18.16	...
	Quilon	13	11.34	2,570
	Karunagapalli	12	7.41	2,897
	Karthigapalli	18	4.12	715
	Kunnathur	9	19.05	3,142
	Kottarakara	10	20.20	3,730
	Pathanapuram	8	43.21	2,470
	Shencotta	10	4.68	1,530
	Mavelikara	15	17.42	1,755
	Chengannur	12	6.64	1,580
	Thiruvella	15	9.38	1,282
	Pathanamthitta	6	27.86	2,942
	Ambalapuzha	10	11.57	1,530
	Shertalai	14	8.43	1,572
	Vaikom	16	8.45	1,418
	Ettumannur	9	11.76	...
	Kottayam	10	17.28	1,753
	Changanacherry	14	9.60	1,565
	Meenachil	6	23.08	3,367
	Muvattupuzha	14	19.74	1,869
	Thodupuzha	5	35.98	2,847
Tinnevely	Kunnathunad	14	15.34	1,940
	Alengad	10	12.74	1,952
	Parur	7	7.69	1,790
	Ambasamudram	93	4.25	325
	Koilpatti	57	5.84	433
	Nangunery	84	7.70	...
	Sankarankoil	55	5.71	591
	Srivaikuntom	71	4.13	548
Cochin	Thenkasi	42	4.91	529
	Tinnevely	103	2.82	388
	Thiruchandur	74	4.13	542
	Cochin Kanayanur	39	4.05	...
	Mukundapuram	60	4.06	...
Cochin	Trichur	72	2.66	Not available
	Talapilli	74	3.36	...
	Chittur	27	5.03	...
	Average	...	...	...
Average	Travancore	...	11.32	1,763
	Tinnevely	...	4.81	479
	Cochin	...	3.59	...

Figures are not available for Malabar and Madura.

It will be seen from the above statement that, while the average area of a Pakuthy in Travancore is 11.32 sq. miles, the average area of a village in Tinnevely is 4.81 sq. miles and in Cochin 3.59 sq. miles. Our average Pakuthy is, therefore, about three times the size of a village in Tinnevely and four times the size of a village in Cochin. Taking up the actual area of the pakuthies in Travancore, we see that 143 of them are below 6 sq. miles, 117 above 6 and below 10 sq. miles 93 above 10 and below 20 sq. miles and 46 above 20 sq. miles. Anchal pakuthy in the Pathanapuram taluk has an area of 203.54 sq. miles. In respect of the number of Pattadars also, we find that, while, in Travancore, each pakuthy has an average of 1,763 Pattadars, in Tinnevely each village has only 479 Pattadars. As the necessary figures have not been obtained for the districts of Malabar and Madura and for Cochin, we do not find it possible to institute a comparison with those places under this head.

Noticing this anomolous feature of the extent of our villages and number of Pattadars, Government observed in their review on Settlement Final Report that the splitting up of the Pakuthies in the State should be the first thing to be done before commencing the next survey and settlement. We understand that, as one of the results of a conference held in the Huzur under the Presidency of the Dewan, the question of the splitting up of pakuthies has been taken up for consideration, and proposals have been called for from the Dewan Peishkars and the Commissioner of Devikulam. As this latter work should naturally precede the reduction of the number of taluks either by amalgamation or otherwise, we believe that the splitting up of the big pakuthies will be taken up first so that Government may be in a position to gauge exactly the amount of relief that will have come to the Taluk Tahsildars and village staffs some time should also elapse before the arrears of work that have accumulated in the taluk and village offices, on account of the



existing system, get cleared, especially under the new arrangement by which Assistant Tahsildars have been appointed.

In the Padmanabhapuram Division, we think that the taluk of Eraniel which has only an area of 96.38 sq miles may be split up and added on to the taluks of Agastiswaram, Kalkulam and Vilavancode. Between Trivandrum and Nagercoil, there is a distance of only 40 miles, which can now be covered by two hours' journey: and within that short distance, there are 6 taluks and taluk treasuries with more than an equal number of Munsiff's courts. *The distance between the Head quarters of Eraniel and Kalkulam taluks is less than four miles.*

In the Quilon Division, the Chengannur taluk which has been recently sliced off (a large area of undeveloped lands being formed into the Pathanamthitta taluk) and which has now only an area of 79.75 sq. miles and a land revenue of 55,962 may be conveniently clubbed with the adjoining northern taluk of Thiruvella which has an area of 140.82 sq. miles and a revenue collection of Rs. 92,584. Even after amalgamation, the revenue demand for the combined taluk comes to only less than a lakh and a half. The physical features of these taluks and the manners and customs obtaining there also admit of this fusion. Now between Chengannur and Kottayam which are only 20 miles apart, there are the Head quarters of four taluks and four Munsiffs' courts. The taluk of Karthikapalli which has an area of 74.26 sq. miles can be sliced and added on to the taluks of Ambalapuzha, Mavelikara and Karunagapalli.

In the Kottayam Division, the taluk of Ettumanur which has an area of 123.59 sq. miles could be split up and added on to Vaikom, Meenachil and Kottayam. Similarly, the taluk of Alengad which has an area of 127.34 sq. miles could, without causing any inconvenience, be amalgamated with Parur, the smallest of our taluks which has only an area of 53.87 sq miles.

have therefore to be referred by the Devaswom Department to the P. W. D. and *vice versa* through Government.

With a separate Department for the control of Devaswoms such as we propose, under an officer of the status of a Dewan Peishkar, we do not consider that the technical staff for restoration and maintenance of temples should be amalgamated with the P. W. D. or placed under the administrative control of the Chief Engineer. We are convinced that the best arrangement will be to have a qualified Engineer not below the grade of an Assistant Engineer attached to the Devaswom Department. This arrangement will be sufficient to give the Devaswom Dewan Peishkar the professional assistance necessary. Such an officer should however have considerable aptitude for architectural work and sympathy with the styles of temple architecture used on the Malabar coast, and should, we consider, be also imbued with piety and a sense of the dignity of temple architecture and its great influence in conserving and fostering the religious instincts of the people. There are several Hindu engineers now on the staff of the P. W. D. We feel sure that there need be no difficulty in selecting a suitable person. The selected officer should be encouraged to study the principles and details of temple construction from competent indigenous architects and master builders in and out of Travancore and should also be given opportunities to travel all over India and familiarise himself with temple architecture especially from examples in the neighbouring Districts of Malabar, Tinnevely, Madura, Trichinopoly and Tanjore and the Cochin State.

The work entrusted to such an Engineer-Officer will be the periodical repairs necessary for the up-keep of all the temples in the State and the gradual restoration of temples standing in need of such restoration. The former work may be estimated at Rs. 25,000 per annum and the latter at Rs. 25 lakhs to be

expended, say, in 10 years, *i.e.*, an annual outlay of Rs 2½\* lakhs on original works and Rs. 25,000 in maintenance. This amount of work should not be too much for an officer of the sort we have in mind. It has been suggested (*Vide* report of conference of 1908) that the restoration of temples should be taken up in area groups as is done for example by the Tank Restoration parties in the Madras Presidency, so as to concentrate attention to temples in a comparatively small area and then work from group to group. That system would have been all right so long as there were four Divisions. But we do not consider it necessary or advisable under the changed organisation we propose. With modern means of travel, the farthest work in Travancore the officer may have to visit will not be more than 24 hours journey from Head quarters. Work in several temples scattered from one end of the State to another is now in progress. So the best method will be to take up and continue the work on temples now in hand and while these are in progress to choose an equal number standing most in need of repair or renovation, so that, as the works in hand get finished one by one, new works may be added on to the list of temples in process of renovation thus enabling Government to bestow attention and funds to temples standing most in need at the earliest opportunity. Working by area-groups on the other hand will lead to temples standing in urgent need on repairs to wait till that area is taken up.

At every temple where costly restoration work is going on, there must be a responsible resident Engineer-subordinate in immediate supervision who will have little or no travelling and

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\* This amount we put down based on a rough estimate of a provisional character which does not take into account the rise in the value of materials, timber, chunam, cement, metal ware &c, not to mention the increase in the wages of artisans. In actual execution it will be found that this amount is quite inadequate.

especially the styles current on the Malabar coast by sitting at the feet of indigenous architects to whom the art has been imparted by hereditary lore. He must not be anxious to introduce foreign materials or new processes which have been tested perhaps only for a few years in temperate climates, but be content with materials and processes which have stood the test of tropical conditions for centuries. He must rigidly adhere to the religious symbolism and decorative ornament consecrated by immemorial usage.

A Silpa Sastra Parisodhakan should always be attached to the Devaswom Department by paying a liberal retainer to some competent member of a family hereditarily devoted to architecture and a percentage on all designs submitted to him for advice.

*In all cases requiring consultation, the Devaswom Dewan Peishkar ought to have the right to consult and obtain advice from the Chief Engineer, Deputy Chief Engineer or any Executive Engineer he thinks it desirable to consult. He ought also be given the freedom to obtain advice from architects outside Travancore and to call for competitive designs on payment of premia.*

*We would recommend that the building, restoration and maintenance of palaces and Oottupuras also should be entrusted to the Devaswom Department under the charge of the Devaswom Engineer and all the remarks we have made about the temples and temple architricce will generally apply to Palaces also.*

. We consider that the Devaswom Engineer must have a scale of pay of Rs. 300-25-450 and after a few years at the maximum pay he ought to look for promotion as an Executive Engineer in the P. W. D. If the first officer be chosen with care

will not be transferred till that particular temple is finished. When it is finished he will be shifted to another such work. The best men among the present Aminadars must be selected for this sort of work and encouragement held out to them to elicit efficient attention. It is possible under this arrangement to take up the restoration of (say 5 or 6) temples simultaneously. The Devaswom Engineer will be expected to tour frequently inspect all the restoration work in progress and at the same time collect data and information for the designs and estimates for temples to be taken up later on. During such tours he will also see that the maintenance and periodical repairs of other temples are attended to efficiently and in time by the Aminadar in charge of such work of whom there will be one for the temples in the area under each Devaswom Tahsildar. They, like the resident subordinates referred to above, will be under the direct supervision of the Devaswom Engineer in matters of discipline and accounts but the Devaswom Tahsildars will have good opportunities of watching the efficiency and timeliness of their work and write to the Devaswom Engineer or speak to him when he is on tour of any inattention that may come to their notice in their more frequent inspections of temples in the area of their jurisdiction. In addition to these aminadars in charge of restoration work and maintenance work, the Devaswom Engineer must have a staff of three master carpenters and three master masons conversant with the empirical formulas of the Silpa sastra and the design and execution of details ornamentation in consonance with each style of temple architecture. Such men should be paid liberally and held on the permanent establishment. They may be deputed according to necessity to any of the large temple works in progress or be attached to the Drawing office of the Devaswom Engineer as required.

As already observed, the Devaswom Engineer must be prepared to learn Indian architecture from its elements and

especially the styles current on the Malabar coast by sitting at the feet of indigenous architects to whom the art has been imparted by hereditary lore. He must not be anxious to introduce foreign materials or new processes which have been tested perhaps only for a few years in temperate climates, but be content with materials and processes which have stood the test of tropical conditions for centuries. He must rigidly adhere to the religious symbolism and decorative ornament consecrated by immemorial usage.

A Silpa Sastra Parisodhakan should always be attached to the Devaswom Department by paying a liberal retainer to some competent member of a family hereditarily devoted to architecture and a percentage on all designs submitted to him for advice.

In all cases requiring consultation, the Devaswom Dewan Peishkar ought to have the right to consult and obtain advice from the Chief Engineer, Deputy Chief Engineer or any Executive Engineer he thinks it desirable to consult. He ought also be given the freedom to obtain advice from architects outside Travancore and to call for competitive designs on payment of premia,

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We consider that the Devaswom Engineer must have a scale of pay of Rs. 300-25-450 and after a few years at the maximum pay he ought to look for promotion as an Executive Engineer in the P. W. D. If the first officer be chosen with care

and facilities be given him to acquire knowledge in this special line, we have no doubt that by the time he may leave the Devaswom Department he shall have started a tradition that can be followed and developed by a younger recruit and that he himself will carry into the P. W. D. a much needed taste for indigenous styles of architecture.

The schedule given below shows the financial aspect of the cost of the technical staff which we propose should form part of the Devaswom Department.

#### MARAMATH STAFF FOR THE DEVASWOM DEPARTMENT.

<i>Particulars</i>	<i>Monthly pay</i>		<i>Annual expenditure.</i>	
	<i>Minimum</i>	<i>Maximum.</i>	<i>Minimum.</i>	<i>Maximum</i>

#### (A) OFFICER & THE ESTABLISHMENT.

1 Engineer	300	3,600
2 Accountants 30-40	60	720
2 Clerks 20-30	40	480
4 Peons 1 (10), 1 (9), 2 (8)	35	420
Total of A.	<u>435</u>	<u>5,220</u>

#### (B) RESIDENT SUBORDINATES FOR TEMPLE SUPERVISION.

4 Overseers 80-100	320	3,840
4 Clerks 4 (20)	80	960
4 Peons 4 (8)	32	384
4 Aminadars 25-40	100	1,200
Total of B.	<u>532</u>	<u>6,384</u>

<i>Particulars</i>	<i>Monthly pay.</i>		<i>Annual expenditure.</i>	
	<i>Minimum.</i>	<i>Maximum.</i>	<i>Minimum.</i>	<i>Maximum.</i>

**C. MAINTENANCE WORKS  
STAFF.**

20 Aminadars 25-40	<u>500</u>	<u>6,000</u>
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**D. DRAWING OFFICE STAFF.**

4 Draftsmen 30-40	<u>120</u>	<u>1,440</u>
Grand total.	<u>1,587</u>	<u>19,044</u>

Of the entire expenditure of Rs. 19,044 pointed out in the schedule, Rs. 13,536\* could be surrendered by the Revenue Department being the cost of the Maramath staff now working under that Department. In other words the Maramath staff now working under the revenue Department has to be transferred to the Devasvom Department. The only additional cost on account of this scheme is Rs. 5,508 per annum. This we do not think is too much for the engineering branch of the new Department which has to handle about 3 lakhs of rupees per annum on account of renovation, repairs &c. Even as regards this additional cost of Rs. 5,508, we would venture to suggest to Government, though probably it may not be quite within the scope of the Committee, whether the post of the Huzur Sub-Engineer whose work is now for the most part confined to scrutinising the estimates sent from the Divisions for work above Rs. 100 and is

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* 4 Overseers on Rs 80 each	annal expenditure Rs	3,840
4 Draftsmen on Rs. 30 each	Do.	1,440
4 Clerks on Rs 15 each	Do.	720
4 Peons on Rs 7 each	Do.	336
24 Aminadars on Rs 25 each	Do.	<u>7,200</u>
	Total	Rs 13 536



otherwise of a miscellaneous nature, cannot be abolished, and a portion of his staff also made over to the Devaswom Peishkar who will, according to our proposal, have a superior officer under him for checking estimates, preparing designs &c., a kind of more valuable and useful work than that now done by the Sub-Engineer.

The effect of the changes we advocate will be to relieve the Revenue Officers not only of Devaswom work but also of all Maramath works other than those connected with Satroms and their own office buildings. The Satroms may be handed over to the P. W. D. and the office buildings may be looked after exactly like the office buildings of other Departments. Thus, Revenue Officers will be enabled to devote their full time to their Revenue and Magisterial work with obvious advantage to themselves and the public.

In conclusion, we have only to say that, whatever be the reform effected, whatever be the rules framed and whatever be the expenditure allotted, the success attendant on the management of the Devaswom Department and its administration depends solely upon the piety and the disinterested zeal and attention which the officers as a whole and the superior officers specially bring to bear upon their work.

16-6-'96.

K. KRISHNA IYENGAR,  
*President,*

J. KURIEYAN,  
3-2-'21.

J. JOHN NIDIRY,  
3-2-'21.

Subject to my separate report.

P. K. NARAYANA PILLAY,  
16-6-'96.

R. KRISHNA PILLAY,  
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# **MINORITY REPORT**

**BY**

**MR. P. K. NARAYANA PILLAI, B. A., B. L. :**

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LIST OF ABBREVIATIONS

- A. R. Administration Report  
R. R. Mr. Ramachandra Rao's report on State  
Charities and Devaswoms  
R. M. Revenue Manual  
I. A. Indian appeals  
I. L. R. Indian law report  
Mad. Do. Madras series  
Bom. Do. Bombay series  
M. W. N. Madras Weekly Notes  
T. L. R. Travancore Law Reports  
T. L. J. Travancore Law Journal  
Thandu Iyer. Select Unreported Decisions published by  
Mr. Thandu Iyer  
W. & C. Memoirs of the survey of Travancore and  
Cochin by Ward and Conner  
R. H. I. Professor Rengaswami Iyengar's History of India  
Q. B. Queen's Bench  
P. C. Privy Council  
F. B. Full Bench

## INTRODUCTORY.

1. While the conclusions formulated by my colleagues on some of the questions referred to us, tally with my own, we may be seen to have reached such results by following lines entirely divergent. There is a fundamental difference between my colleagues and myself in our views with regard to the relation of Government to the Sirkar Devaswoms. In my opinion Government is a trustee with respect to these institutions. My colleagues seem to think otherwise though I am unable to make out the exact position assigned to Government in this respect by them. According to them, the incorporated Sirkar Devaswoms have no properties at present. The properties of these institutions have become Pandaravagai properties as a result of the reforms introduced by Col. Munro. On the question by what process this mutation of proprietorship was brought about, they oppose, as much as I do, the theory of confiscation put forward by some; for we are agreed that there was no occasion in Munro's regime to inflict any penalty on the deities causing the forfeiture of their properties. My colleagues refer to it as a case of "annexation" and a "unification of the interests of the Government and the Devaswoms." The result, as the same, is what follows on a confiscation since the State is said to have become the owner of the properties originally belonging to the Devaswoms. This position of my colleagues is in sharp conflict with my view that the Devaswom properties are still Devaswom properties. Ultimately all of us agree in fixing an absolute obligation on the State to maintain these institutions in an efficient condition. With great respect to my colleagues, I feel obliged to part company with them in recording our views on the subject under discussion. Due regard has not been paid by them to a number of facts prominently relevant to the present enquiry. A turning-

point in the history of the Devaswoms having been reached, it is essential to make Government realise its position in relation to them. The issues involved, are of momentous consequence to a very large section of His Highness' subjects and their correct solution is indispensable not only to safeguard existing interests but also to remove certain current impressions touching the policy of Government towards these institutions. No purpose will therefore be served by entrenching oneself behind ambiguous or indefinite positions. In view of these considerations, I am inclined to add a few paragraphs of my own, to render my position clear on the terms of reference dealt with hereunder.

2. To ascertain the position of the State with respect to the Sirkar Devaswoms, definite information as to how the connection between the State and these institutions sprang up, would have proved highly valuable. That the State was very much interested in the Devaswom even before Col. Munro's time is quite clear. It is equally clear that the relation of the State with many of these foundations came into existence only long after their origin. The rise and history of these institutions down to the point of their contact with the Travancore Government will serve to throw some light on the exact place which Government came to occupy in their constitution. Let us then try to understand the origin of temples in general. The Vedas do not tell us of any idols or idol worship. We begin to get sight of images only in the later phases of the Vedic period. (See for example the passages from Atbhuta Brhmana and Kousika Sutra, quoted by Pandit Pranananthasaraswathi in his Tagore Law Lecture on Hindu Religious Endowments). Then we have the rise of Jainism and Buddhism in India, the former being the older of the two. Buddha's birth is placed about the 6th century B. C. Side by side with the development of Buddhism, Brahminism itself got modified, and out of the faith so altered, Sivā and Vishnu emerged as the principal Hindu Deities (R. H. I.). Images of

gods were certainly common in the Mauryan period (B. C. 321 to 72) and doubtless at a much earlier period (V. A. Smith History of Fine Arts). There are references to temples in Koutilya's Artha Sastra. The growth, if not the rise itself, of temples and public religious worship is due in no small measure to the influence of Buddhism (Hellenism in India by Professor Gourang Nath Banerji 1920). Mr. Justice Seshagiri Iyer says "The followers of Buddha pursued a policy which was resented by the orthodox. Temples for the worship of Siva and Vishnu were established mostly by non-aryans at or about this time to circumvent the Buddhistic influence. The second period begins with the advent of Sankara. ....He founded Mutts which took the place of monasteries....The followers of Sankara did not find it easy to console the religiously inclined by the doctrines of Adwaidic philosophy.....Three philosophers who gave prominence to the existence of a personal God diverted public attention from Sankara's teaching. The Vaishnavaites the Madhvas and the Sivaites founded independent Mutts where the Dwaitic philosophy was taught. They had to proceed a step further. They accepted control over the existing temples and encouraged the construction of new temples in honour of the particular deity they represented as the supreme Being.....By this time, the Puranas had gained a hold on the popular mind and the worship of the Avatars of Vishnu and of the manifestations of Siva came to be regarded as the essential features of religious life among the people. Rich endowments were made for the upkeep of the temples (1918 M. W. N. p. 569).

3. Accepting the opinion of Mr. Seshagiri Aiyar as correct in the main, what we see is that the same causes, as operated to promote the establishment of temples elsewhere, appear to have been at work in Malabar also. The prevalence of Buddhism in Malabar at an early period of its history is undeniable. Its vestiges continue to the present day. The

Nagercoil temple which was originally a Buddhistic or Jaina institution somehow or other got transformed into a Hindu temple. (Travancore Archaeological reports Vol. II part II). The name Sasta in classical Sanskrit denotes Buddha and does not refer to any Hindu deity (See *Medini Kosha*). The existence of numerous Sasta temples in this State, especially those set up along the eastern border of the State and the admission of Sasta into the Hindu pantheon, point to the same conclusion. I do not mean to say that every temple now seen in the State may be traced to a Buddhistic origin. Far from it. Buddhism having imparted the necessary impetus, waned and passed away from the land. Since its decline, the Hindus themselves have founded many temples. We have also considerable evidence as to the influence brought to bear on the people of Malabar by the Vaishnavites and other sects. A number of temples in Travancore are even now held in special sanctity by the Vaishnavites.

4. The early History of South India reveals the existence of three races, the Cholas, the Cheras (Sanskrit, Keralas) and the Pandyas, falling under the general classification known as the Dravidians. The Ariyans found them in a state of civilisation. Of these people the Cholas were dominant at first, but by the second century A. D. the Cheras appear to have come out at the top. (Kincaid and Parasnis, history of the Maharata people, 1918). Malabar, Cochin and Travancore were included in the Chera Kingdom. The Chera line of Kings continued to reign at any rate till A. D. 1021 when the last of them probably Bhaskara Ravi Varma Perumal was defeated by the Chola King Raja Raja I and his son and successor Rajendra Chola. The Travancore dynasty is believed by some to be an off-shoot of the old Chera Royal family. From an early date the sphere of influence wielded by the Perumals of the regular Chera line seems to have been confined to the regions north of Quilon. The Cheras

continued in power with occasional eclipses of their power till their defeat by the Cholas. Raja Raja I who over-threw the Chera dynasty and his heroic son Rajendra Chola were great warriors, who subjugated the whole of Malabar from the Cape, over-ran the Maharata country and pushed their conquests far and wide. The glory of the Cholas received a set-back in their defeat by Ahavamalla in A. D. 1042. It was again revived under Kulatunga I who repeated the Chola victories in Travancore and elsewhere. Decline again set in towards the close of his reign. During the above ascendancy of the Cholas, the Pandyas were playing but a subordinate part under the Cholas. The Pandiyan chief Parakrama Pandya is believed to have been a general under Raja Raja I. But with the down-fall of the Cholas, the Pandyas began to revive and re-established their supremacy over the Tamil country. On the break-up of the Chera Kingdom a number of small States and Principalities rose to importance in Travancore, which were ultimately subjugated by King Marthanda Varma (M. E, 904 to 993) and consolidated as Travancore as it exists at present.

5. Before the rise of the Cholas under Raja Raja I, Southern India was the scene of rivalry between the Pallavas the Chalukyas and the Rashtrakulas. The Kings were generally Hindus, though they usually tolerated the existence of Buddhism and Jainism along side of Hinduism. But this state of affairs did not continue throughout. About the 5th century A. D., a movement began in favour of the worship of Siva and Vishnu, which was at the same time directed against Buddhism and Jainism. Practically the whole of South India was converted to Hinduism and numerous stately temples rose for the worship of Hindu deities (R. H. I.) The Chera, Chola and Pandya Kings were also Hindus with rare exceptions. We have clear proof of their religious zeal and enthusiasm in the cause of temple building. Kulasekhara Alwar, a Chera King is a reputed Vaishnava Saint.



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The Thrikkakara temple was constructed by a Chera King about 603 A. D. Epigraphic evidence shows beyond doubt the great interest of the Chera dynasty on behalf of the temples at Vazhappalli, Thiruvattuva, Perunnai, Thrikodithanam and other places. The Parthivasekharapuram temple was built and endowed by a Pandyan King Kokkarunandadakkar about A. D 864. Parakrama Pandya Deva already referred to, made extensive grants to the Goddess at the Cape and the Trivandrum temple. The Shencotta inscriptions show the connection of the later Pandyan Kings with a number of temples in that taluk. The activities of the Cholas in founding temples are well known. The great temple at Tanjore was built up by Raja Raja I. During their occupation of South Travancore Raja Raja and his successors appear to have made various grants to the temples at Thiruvananthikara, Suchindram, Agasthiswaram, Cholapuram etc., and the Guhanathaswami temple at the Cape. The former Sovereigns of Travancore cannot be said to have fallen behind their neighbouring rivals in this respect. The temples at Thiruvannamthoor, Vadasery, Navaikulam, Quilon, Thiruvattar, Padmanabhapuram and Trivandrum were either built or enriched by them. The Kandiur temple was founded in 623 A. D. and rebuilt in 1217 A. D. (M. E. 393) by Kings of Onattukarai. The founder of the Pattazhi Bhagavathy temple with its endowment of 9 villages was the Kottarakara Raja after whose collapse, Rama Varma Kulasekhara Perumal of Travancore appears to have confirmed the grant of the endowed villages by a fresh grant in 394 M. E. (Ward and Conner). I do not multiply further instances in this connection. Private individuals must have also contributed considerably to swell the number of temples and Devaswom property in the State. To wind up, we notice that Ward and Conner in their survey of the State from 1816 to 1820 A. D. estimate the number of Hindu temples and religious places at nearly 22,000 of which about 400 temples had come under Sirkar management at that date.

6. The period of religious fervour manifesting itself in the construction of temples may be seen from the foregoing paragraph. That its upper limit so far as Travancore is concerned may be fixed at any rate in the Puranic period is clear from the allusion to the Trivandrum temple in the Varaha Purana.\* The tide obviously had turned in the time of Ward and Conner, if one may trust the account given by them as to the conditions of religious institutions in the State. From what was said above, it follows further, that of the temples now under Government control some were founded by the Sovereigns of Travancore and the rest came under their control in various ways which will be examined later on. The majority of the institutions that came thus under Government from other hands may be seen to have been under the management of Oorallars, Karakkars and other bodies or of their agents under various names, such as Samudayam, Manushyam &c. This was a survival of the old system of village Government which prevailed throughout south India at any rate from the 10th century A. D. The villages were self-governing units subject to the supervision of the Sovereign. Among their functions were included the collection of taxes, and the civil and criminal administration of each village. Religious and charitable endowments were made and received as trusts on behalf of the village by the "great men of the village" (R. H. I.) All this business used to be transacted by executive committees under the village assembly. Viewing the village assemblies as a part of the machinery of the government of the period, we see that the administration of public trust was a function of the Government. But the position of such government in that respect was only that of a trustee. With the growth of the power of the sovereign authority the structure of village government gradually crembled

\* "സ്വാന്നന്ദശരീരി വിവാതം-ഭ്രാമഃ ഗുഹ്യാപദം മേ  
ഉത്തരേതസമുദേശു-മലയസ്യ ഇ ദക്ഷിണേ"

and disappeared except the branch relating to the management of trusts. That Department really outlived the system which gave birth to it. In course of time the antecedents of the village representatives passed into oblivion and they came to be regarded as private individuals in management of public trusts. Ultimately in Travancore, the State removed the last remnants of village government by assuming the direct control of a large number of religious institutions. The only modification brought about by the measure consists in the disappearance of the representatives of the village, Government having stepped into their place. The position of the worshippers, the duties and heir properties continues as it used to be. The old form of Government was replaced by administration under the executive Government of the present day. That is all. Such being the case, it is not difficult to define the position thus assumed by Government towards these institutions.

*State in its relation with the Hindu Religious Institutions.*

7. That the various religious institutions under the management of Government are not equally related to the state is quite clear. They stand on different footings and are related to the State in different degrees of assimilation. They range from those institutions whereof the incomes are inextricably blended with the general revenues of the State, to those the management of which is run by Government for and on behalf of others. The committee is called on to define the position of Government in regard to Sirkar Devaswoms only. What is meant by Sirkar Devaswoms is not quite clear. I take it to mean all those Devaswoms, the management of which is vested in the Sirkar by law or custom. Such institutions, if any, as are managed by the Sirkar on a basis of agency revocable at the instance of other people hardly deserve the name of Sirkar Devaswoms and hence they are left out of consideration here. Taking Sirkar Devaswoms

then as meaning such institutions as are administered by Government under the authority of law or custom, they may be classified under the following main heads, and dealt with one by one to promote lucidity of treatment

8. First then we have the temples founded by the Travancore Sovereigns themselves. The Krishnaswami temple at Neyyattinkara and the Anandavalliswaram temple at Quilon founded and endowed in 932 and 981 M. E respectively, come under this class (R. M. Vol. IV pp. 117 and 188). Temples at the Capital other than that of Sri Padmanabha, and those at Padmanabhapuram, Trippappoor, Vadaseri, and other places may in all probability be placed in a group with the above. Now what is the position of the State with respect to these? All the elements of a public religious trust are here and I am clear that the Sirkar occupies the position of a pure trustee. It cannot be denied that these institutions have been dedicated to public worship by the Sovereigns who founded and endowed them. Were any authority needed to support the position, I would refer to Kalliana Sundra Aiyar and others *Versus* Umamba Sahab and others. (I. L. R. 20 Mad. p. 421). That case related to the Fort pagoda or Palace Devasthanams of the Tanjore Raja. Shephard J. with whom Davies J. "concurred throughout" delivering the judgment of the court observes at page 429 "Some attempt was made to show that the late Maha Raja who died in 1855 was not the trustee of these pagodas, but possessed over them nothing more than the Melkoima or sovereign right of superintendence. This point is in my opinion sufficiently dealt by the subordinate judge in the 17th and following paragraphs of his judgment. There is a clear distinction made in the documents executed between the public and Fort temples. The latter are spoken of by Commissioner Philips in his letter of the 13th June 1857 as "possessions of the Raja, which must unavoidably remain under management by Government officers

until the final settlement to Tanjore affairs." I think the subordinate judge is clearly right in holding that the late Raja was trustee of these pagodas." This ruling is referred to in 28 Mad. p. 197 without dissent.

9. Next I take up the temples to the management of which the Sirkar was succeeded by virtue of conquest. South Travancore which had been alternately lost and won by the Travancore Kings was ultimately freed from the domination of the Naicks of Madura and our Kings permanently secured it before 904 M. E. That year Prince Marthanda Varma ascended the Travancore Throne. In a series of vigorous campaigns he overthrew the rulers of Nedumangad, Kottarakara, Quilon, Kayamkulam, Thekkumkoor, Vadakkumkoor and Ambalapuzha and gave Travancore its present shape by welding his conquests together. The subdued Rajas had the direct management of some temples in addition to their Melkoima rights over the rest of the temples situate within their territories. They were displaced from these, by conquest which at the same time entitled the victorious sovereign to step into the place occupied by the vanquished. The position is quite clear and admits of no magic. Mutation sovereign rights is not attended with any alteration in private rates of property. But the private rights of the outgoing sovereign pass to the incoming sovereign along with the sovereign rights of the former. 21 I. L. R. p. 133. In other instances a formal act of confiscation is necessary to extinguish private rights in property (Wheaton's International Law). Hindu Law and usage point the same way. In his article on warfare in ancient India Mr. P. Jannathaswami says that the kings on occupying the enemy's territory should worship the guardian deities there, and take special care that the temples and their properties in the country occupied are not interfered with in any way. (Indian Review, 1915 Nov. number).

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\* Mr. C. Venkódachari formerly Chief Justice in Travancore.

Manu says the same thing. മിതം സംഹൃതേ ദേവാൻ ബ്രാഹ്മണാ-  
 രഭേവേ യാജ്ഞികാൻ പ്രഭുഷാൽ പരിഹാരായേ ഖ്യാപയേദ യോനിമ.)

That is to say after conquering the enemy, the king should worship the gods and virtuous Brahmins in the conquered territory.....(Manu Smrithi Chapter VII Sloka 201). Accordingly we find the ascendancy and over-turn of various powers in the land had left the Devaswoms untouched. If at all, the succeeding sovereigns were only seeking to out-do their fallen foes in the matter of enriching and exalting the deities in the conquered territories. The revenue accounts from the settlement of 614 M. E., down to the date of the master-stroke attributed to Col. Munro, not only afford ample proof of the distinct existence of Devaswom properties but also disclose assignments of public revenue and properties in support of various temples (R. M. Vol. V. pp 1 to 185). If it is contended that along with the conquests referred to above, the properties of all Devaswoms were forfeited to Government, one fails to see how anything was left to Col. Munro to take over. I am not disputing the positions of my colleagues here, for, according to them the Devaswoms were divested of their properties only in Munro's administration. I am only meeting a possible objection. Reference may also be made to mortgages taken by Travancore Sovereigns of lands belonging to the Suchindram and Kannyakumari Devaswoms, of loans taken by them from the Vadaseri temple and so forth all subsequent to 920 M. E., that is, after their sway was completely established over South Travancore. I agree with my colleagues in holding that some of the Devaswoms now under Government control were being maintained partly or wholly by the State before Munro's time. Taluk accounts of 967 M. E., for Ettumanur taluk show the existence of 29 temples in that taluk maintained by the Sirkar. The Thirattu of 984 shows the number of such temples to be 1569, while that of 985 M. E., puts their number as 1383 (R. M. Vol. pp. 182 and 185). I am



of opinion that the management of some of these institutions devolved on Travancore Sirkar on the over-threw of other Rajas. For example we see on page 117 of R. M. Vol. V that the Karikode temple in Thodupuzha taluk was under Government control in 954—Karikode having been one of the seats of the Vadakkumkoor royal family (*Vide* W. and C), the inference is irresistible that the said temple came under Travancore on the fall of the Vadakamkoor family. I presume that the Ambalapuzha temple as well as the Thaliyil temples at Kottayam and Kaduthuruthy fall under this category. In the previous para, I have shown that with respect to such temples, the former Rajas could only be regarded as trustees and the Sirkar taking their place, though by conquest, cannot claim anything more than the position of a trustee. The proprietorship of the Devaswoms is in the Deity and there is nothing to show that such private rights of the idols were ever affected by the conquests.

10. Under the third class I include Devaswoms surrendered to the Sirkar in pursuance of treaties or agreements

(a) Karapuram (which was subsequently constituted as the Shertallai taluk) was ceded to Travancore in 930 M. E. The circumstances in which it was so ceded and the title deed are referred to in R. M. Vol. IV p. 117. The Cochin Raja, who seems to have disputed the step taken by his rival, was ultimately reconciled to it and agreed to the cession of Shertallai, Parur and Alengad, as may be seen from the alliance entered into between Travancore and Cochin on 12th Dhanu 937 (23-12-1761) to repulse the Zamorin's forces from Cochin territory. (State Manual Vol. I p. 370). From a transcript of the original counterpart, I make the following extract relevant to the present enquiry. “അങ്ങനെയൊരു നാളെക്കത്തു നമുക്കുള്ള കോയ്മസ്ഥാനങ്ങളും നമ്മുടെ നാളെക്കത്തു അങ്ങനെയുള്ള കോയ്മസ്ഥാനങ്ങളും കീഴിലൊമ്പാലെ ചൊന്നുകൊള്ളുമ്പോഴെന്തും പറഞ്ഞുവെച്ചു” അന്നുപ്രകാരം മറ്റുതിരിച്ചിട്ടു.”

Koima Sthanam in the above passage is vaguely translated in the State Manual as "certain privileges". The expression means mainly superintendence over temples, and the passage is useful as indicating the specific provision made with respect to the control of the temples situate within the territories ceded. But the reservation of Koima right with a sovereign surrendering territory was found to have left room for occasional friction, to obviate which, another agreement, as shown below, was subsequently concluded between the two States. അരുളിചെയ്ത നമ്മുടെ പുതുശ്ശേരിക്കു എന്നാൽ ന്നം ൧൨-ാം മാണ്ടു ധനുമാസം ൧൧-ാം ന-ചേത്തലവച്ചു് അന്നു ൧ എഴുതിപ്പിടിച്ച ഉടമ്പടിയിൽ അങ്ങൊത്തങ്ങിയ രാജ്യത്തിൽ നമുക്കുള്ള ക്ഷേത്രസംഖ്യയങ്ങളും കോയ്മസ്ഥാനങ്ങളും നാം തന്നെ ആളാക്കി നടത്തിച്ചുകൊള്ളുക എന്നും നമ്മുടെ രാജ്യത്തു പറവുൾ, ആലങ്ങാട്ടിലെ വകയായിട്ടും തെക്കുംകൂർ, വടക്കുംകൂറിലെ വകയായിട്ടും അങ്ങൊത്തങ്ങിയ ക്ഷേത്രസംഖ്യയങ്ങളും കോയ്മസ്ഥാനങ്ങളും അങ്ങുതന്നെ ആളാക്കി നടത്തിച്ചുകൊള്ളുക എന്നും അല്ലെ നീശ്ചയ ചു എഴുതിപ്പിടിച്ചിരിക്കുന്നത്. അതു അങ്ങിനെ എന്നുവെച്ചാൽ രണ്ടിടത്തേയും ആറു ദോഷംകൊണ്ടു നിത്യവിവാദകൂടായി വന്നുണ്ടു മെന്നും അതു വരാതെ യിരിക്കണുന്നതിന്നു അങ്ങുമിങ്ങും തുണിയ ക്ഷേത്രസംഖ്യയങ്ങളും കോയ്മസ്ഥാനങ്ങളും അങ്ങുമിങ്ങും ആളാക്കി വിചാരിച്ചുകൊള്ളണമെന്നും തുണിവെച്ച നടത്തിച്ചുകൊണ്ടാൽ കൊളാമെന്നും വിചാരിച്ചു നിശ്ചയിക്കുകൊണ്ടു അതിനുള്ളതന്നെ ന്നം ൧൨-ാം മാണ്ടു ചിങ്ങ മാസം മുതൽക്കു പറവുരു, ആലങ്ങാട്ടു തുടങ്ങി അങ്ങൊത്തങ്ങിയ രാജ്യത്തു നമുക്കുള്ള ക്ഷേത്ര സംഖ്യയങ്ങളും കോയ്മസ്ഥാനങ്ങളും അങ്ങുതന്നെ ആളാക്കി നടത്തിച്ചുകൊള്ളുകയും വേണം. നമ്മുടെ ആധീനമായിട്ടുള്ള രാജ്യത്തു അങ്ങൊത്തങ്ങിയ കോയ്മസ്ഥാനങ്ങളിൽ പെരുമാറുന്നതു ഉച്ചപ്പുല പെരിടോലായി പള്ളിപ്പു, പെരുമ്പാടി, പുറത്തുർ ഉൾപ്പെട്ട സ്ഥാനവും അങ്ങുതന്നെ ആളാക്കി കീഴ്മയ്ക്കാദപാലെ നടത്തിച്ചുകൊള്ളുകയും വേണം . . . ഇരണ്ടാലക്കള തമുടയവന്റെ സ്ഥാനം അങ്ങു പാണ്ടു ഉള്ളതാകുകൊണ്ടു കീഴ്മയ്ക്കാദപാലെ നടത്തിച്ചുവയ്ക്കയും ആം എന്നാൽ ഈ അവസ്ഥ എല്ലാം താൻ വായിച്ചു നമ്മുടെ തൃപ്പാപ്പർ സ്വരൂപത്തുകൽ കലാശ്വരപ്പെരുമാളെ ധരിപ്പിച്ചു വയ്ക്കയും വേണം. ന്നം ൧൧ ന്നി വർ.

(b) In spite of the treaty of 937, mentioned in the previous paragraph, the transfer of Alengad and Parur was completed only in 939 under deeds executed by the rulers of those provinces. These, both of which were dedicated to Sri Padmanabha by the Maha Raja in 941 M. E., distinctly provide for the up-keep of the deities in the territories ceded thereunder. Accordingly we find from the Thirattu for 953 M. E., relating to

Alengad, that 38 temples were being maintained by the Sirkar in the Alengad Mukhom that year (R. M. Vol. V. p. 120).

(c) The Panthalam principality was originally under an independent chief. Owing to his inability to pay up the war contribution levied on him by Travancore on the occasion of Tippu's invasion, he agreed ultimately to surrender his possessions receiving certain allowances for himself and his family. These facts are clearly seen from the public records appended to the memorial submitted by the Pantalam Raja to the Government on the 13th Kanni 1087 (24-9-1911.) The Principality, which now forms parts of Mavelikara, Chengannur and Thodupuzha taluks, was assumed by Government in 1820 A. D. (8th Chingom 996.) Ward and Connor's account of final assumption in 987 appears incorrect (*Vide* Dewan Venkita Rao's communication dated 8th Chingom 996 appended to the memorial aforesaid.) Government made an estimate of the income and outgoings preparatory to the assumption and we see there provision being made for the up-keep of 25 temples within the principality.

(d) The Thiruvella temple is belived by some as having come under Sirkar management in pursuance of an agreement styled Saktimukhom executed in 927 M. E. by the then managers of the Devaswom (*Vide* the answers to the Committee's questions by Mr. S. Krishna Aiyar, High Court Vakil.) There was a litigation about it in the District Court at Alleppey seeking to enforce the provisions of the Saktimukhom. The question was not however finally decided, since the plaint was rejected on a point of valuation.

(e) The Nellyakant Bhagavathy temple at Koothattukulam was originally maintained by a Namburi Brahmin. On the Sirkar imposing additional tax on some of the properties held by him, he agreed to the surrender of the temple and the

said lands so that the yield from them might be utilised for the expenses of the temple. The Sirkar took up the properties and the temple and made arrangements for the up-keep of the worship. (R. M. Vol. V. p. 132).

11. The instances given in the previous paragraph clauses (a) to (e) which are only illustrative and not exhaustive, show the assignments of lands and territories for the use of religious foundations. The State accepted the same engaging itself to preserve and to continue the worship of the deities falling within the scope of the treaties and Udampadies alluded to above. The position thus accepted by Government clearly amounts to one of trust.

12. Next we examine the proceedings of Col. Munro. The divergence between my colleagues and myself is the widest at this point. According to them there is no legal obligation on the part of the State to maintain these institutions. The obligation of the State is only moral and religious. Again my friends think that the obligation to support the religious institutions attaches to the State because of its policy as a Hindu State. The necessary corollary is that the destinies of these institutions are at the mercy of the fluctuations of the policy of the State. The policy of a State be it Hindu, Christian or Mohamedan is what one may call a 'variable' capable of ascertainment only by reference to a complex set of political factors. It is shaped and actuated by various exigencies and contingencies. Mr. Gladstone's propositions on the subject under notice as may be gathered from his work "on the State in its relation with the Church" were "that the State is cognizant of the difference between religious truth and religious error; that the propagation of this truth and the discouragement of this error are among the ends for which Government exists; that the English State did recognise as a fundamental duty to give an active and exclusive support to a religion; and finally that the condition of things

resulting from the discharge of these duty was well worth preserving from encroachment from whatever quarter encroachment might threaten (Morley's life of Gladstone.) Yet it was left to him to carry through the disestablishment in Ireland where the preponderance of the Catholic population proved far too striking to be left out of account. The Bill for the disestablishment of the Welsh Church became law in 1914, though its operation was suspended owing to the war. The established Church in France was restored in the time of Napoleon under the Concordat of 1801 but was again disestablished and almost all endowments and church property were confiscated by the Separation Bill of 1905. In the United States, Mexico and Brazil, the Separation of the Church and State is complete. There was originally an established church in the Dominions of Canada, but the grant of Self-Government led to its disestablishment. The enthusiasm for an established church in the West seems to be so far on the wane, that Bishop Weldon writing in the 19th Century and after for November 1910 observes: "Upon the whole then it seems that the establishment of a church or in other words the national acknowledgment of a religion, is a matter about which thinkers of equal intelligence and sincerity may not unreasonably hold different opinions." In the light of what was said above, State policy may be seen to be a broken reed to lean upon, when it comes to a question of religion and countenancing its continuance.

the fusion of their income with the general revenues of the State. In the former class of Devaswoms, detailed accounts of the moneys drawn and expended on their behalf are insisted upon, whereas with respect to the latter class no such thing is called for. This difference notwithstanding, they agree in that the incomes derivable from both the classes alike are mixed up with the State revenue and hence they come under what in current official phraseology is known as incorporated Devaswoms, by which is meant the incorporation of their income with the general revenues. The classification of the Non-ezhuthitheeruva Devaswom by Messrs. Ramachandra Rao and Mahadeva Aiyar under the unincorporated class (Vide R. M. Vol. IV p. 238) appears indefensible on principle. Granting now that there has been a complete merger of the Devaswom Land Revenue in the General Land Revenue or *vice versa*, that fact does not warrant the conclusion of my colleagues. Nay, when logically examined, fusion of funds on which the opponents of the trust theory base their main argument, may be seen to go great way against their contention. When it is said that there is a fusion of Devaswom funds and the State revenue, the existence of Devaswom funds as distinct from the State revenue, is clearly implied. This leads to another necessary implication that the source from which Devaswom funds are derived, namely Devaswom property, is distinct from Sirkar property, the source of Government land revenue. Unless the separate existence of Devaswom properties is conceded, it is difficult to see how there can be a fusion of funds. Fusion of incomes is quite distinct from coalescence of the ownership of the properties yielding the incomes. If it can be made out that even after the assumption of management in Col. Munro's time, the Devaswoms were regarded as the proprietors of what belonged to them before the scheme came into force, or in other words, if the assumption did not effect the proprietorship of the properties taken over, it will be clear that the State is in possession of the Devaswom properties for and on behalf of

the Devaswoms and that it stands in no other light than that of a trustee to these institutions. Since the changes, if any would be best illustrated by the period just succeeding the close of the assumption of management by the State, attention has to be focussed on that transition period to understand what really took place. As to Col. Munro himself, be it said to his credit, that he did not tolerate any confusion to supervene on the assumption of management by the State. An inventory of the properties, both movable and immovable, was directed by him and made accordingly, their yield was estimated and the receipts were entered in the accounts distinctly as derived from the Devaswom properties. So matters stood till 993 M.E. In that year there was a Revenue Settlement of the gardens and compounds throughout the state. Here was an excellent opportunity for the State to let the public know of its real position with regard to these institutions. Had the Devaswom properties become the property of the State, such properties ought to have been entered in the revenue registers as Pandaravaka properties. No such thing was done. On the contrary, these properties were entered as Ezhuthitheeruva Devaswom Vakai and Non-ezhuthitheeruva Devaswom Vakai as the case might be. It cannot be contended that this is an unconscious perpetuation of an erroneous description of these properties from the prior ayacut of 977 M.E. for the expressions Ezhuthitheeruva and Non-Ezhuthitheeruva Devaswoms, came into existence only in 937 M.E. and had their origin in system of accounting introduced by Col. Munro. So then it was a conscious act involving a clear admission of the proprietary rights of the incorporated Devaswoms. Even with the respect to Devaswom properties brought under assessment for the first time in 993 such as Sanketham lands, the State takes care of keep in their original character without any alteration. (“വകമാററവു, വെട്ടുസവു വരാതെ കണ്ടെഴുതി” R. M. Vol. V p. 235). The Settlement of 993 discloses another feature which was kept up in the Settlement of 1012 also, and which is sufficiently

significant of the proprietary rights of the Devaswoms. Where Kanam or Adima tenures had been created with respect to the properties of the Ezhuthitheeruva Devaswoms, the State, as in the case of other Jenmom lands, levied a light tax on such properties in 993 and 1012. The Rajabhogam thus levied is directed to be credited to the State and the rest of the Pattom is to be claimed on behalf of the Devaswom (Ibid p 439). Nor is this all. Properties which stood erroneously registered in the Ayacut of 978 M E as Pandarapattom were withdrawn from that category of 993 and brought under the head of Devaswom Pattom with appropriate reductions in the demands of the State (Ibid p 274). All this is explicable only on the basis of the subsisting title of the Devaswoms. On the other hand, where the properties of others had become State property, as in case of confiscation they were entered in the accounts of 993 as Pandarapattom with a specific recital as to how it became such. See the case of the Ambalapuzha Mughathu Sarvadhikariakar who took part in the rising of 984 M E (Ibid p 267). The Thirattu of 966 for Mavelikari north, shows that lands were purchased for incorporated Devaswoms from Devaswom funds, after Col Munro's assumption. Pandarayaka Otti and Madampathanathu properties so purchased were treated as Devaswom Pattom, while Brahma swom Otti lands so purchased were entered under the head of Devaswom Otti (R M Vol IV. p 263). Unless the Devaswom funds had been considered distinct, and regarded as belonging to the deities, there would have been no cause or reason to do so. Coming to later times the Settlement of 1012 may be seen to reproduce the special features of 993 on which I laid stress in the foregoing passages. Even in the last settlement (1068—1085) properties belonging to incorporated Devaswoms are registered as such, the innovating tendencies of the settlement having stopped short at ear marking the Devaswoms concerned as "Sirkar" Devaswoms. In the Settlement Final Report Mr Padmanabha Aiyar



says the 'Sirkar Devaswom Vaka. Sripandaravakai, Sripadam-vakai and Kandukrishi lands, which are like Jenmom lands and may be 'dealt with as such.' In the review of this report Government did not express any dissent, but concurred in the view of Mr. Padmanabha Aiyar.

14. The definition of Jenmom land in the Jenmi and Kudyan Regulation mentions Sirkar Devaswom lands as distinct from Pandarvaga lands. The revised definition proposed by the recent Jenmi Kudyan Committee maintains the same distinction and the prouning-knife applied by Government to the Committee's report did not touch the passage referred to. Section 3 (clause 2) of Regulation IV of 1091 enumerates "all unassigned lands belonging to an incorporated Devaswom" as having been deemed to be the property of Government for the purposes of that Regulation, that is to facilitate eviction of unauthorised occupants. I refer to these definitions as legislative recognition of the distinct existence of Devaswom lands as well as the proprietorship of the Devaswoms with respect to such lands. Had the Devaswom lands become Pandaravagai, the Royal Proclamation of 1040 would have been applicable to the turners of such land. But the High Court of Travancore has held in a series of cases beginning with XV T. L. R, 185 and ending with VI T. L. X. J. 389 that Sirkar Devaswom lands are not included within the purview of the said Proclamation. In this connection my colleagues set up as an argument the practice which existed in some taluks of levying Pattom-fees on the alienation of Sirkar Devaswom lands. This fee was due only on Sirkar pattom lands under the Proclamation 1040. Since it was realised from Devaswom lands also, my colleagues argue, Devaswom lands were included within the scope of the Proclamation. This is really arguing in a circle. I do not concede that the levy of the said fees on Devaswom lands was legal. The considered judgements of the High Court leave no room for

any doubt on that point. The revenue Officers whether they were conscious of the provision of the Proclamation or not, should be deemed to have acted illegally in the matter. It does not necessarily follow from this practice that the Revenue authorities treated the Devaswom lands as Sirkar lands. For they might have mistaken the scope of the Proclamation and erroneously applied it to Devaswom lands even if they regarded the same as distinct from Sirkar lands. That is the more probable error since the accounts evidencing this practice make distinct mention of Deva-swom lands as having been subjected to the levy of pattom fee. Neither is there anything to show that this unauthorised practice was general or that it had the sanction of any Huzur order.

15. Turning next to the circumstances which led up to the interference of the State in the affairs of these institutions and the pre-existing relation between the State and the Devaswoms in general, they may be seen to lent no support to the theory put forward by my colleagues. The constitution of an ordinary Malabar Devaswom is described in 11 T. L. R. p. 197 (followed in 1 Thandoo Aiyer p. 44 F. B.) The trustees of Devaswoms were never regarded as the properties of the Devaswom properties. The ownership of Devaswom properties was all along considered as vested in the deities themselves and the very expression Deva-swom means that which belongs to the deity. Over the trustees the Sovereigns exercised the right of Melkoima which means the right of superintendence (18 Mad. page I p. c.) In A. S. 136 of 1073 F. B. (unreported) the Travancore High Court observes, "That the Sirkar possesses the Melkoima which has in more than one Malabar case been described as the right of the ruling power to interfere in case of dispute or fraudulent practices occurring in the Devaswoms, if undisputed. This right of the sovereign power was not confined to Malabar. It existed throughout India, so much so on disappearance of Native rulers, the British Government

deities were the sufferers and stood in need of relief from their tormentors—the trustees. The State proceeded to adjudicate and found the trustees guilty, but strangely enough it is said the punishment went to the deities entailing the forfeiture of their property. It has to be further borne in mind, that this was done by a Hindu State tenacious of its Melkoima rights and keenly alive to its obligation to protect the Devasthanams. It is difficult to escape the above mentioned implications in the position of those who maintain that the State divested the Devaswams of their properties. Such a position will speak for itself and comment is obviously needless. On the other hand the unworthy trustees having been stripped of their right of management that the Government assumed nothing more than the right to manage is the legitimate inference under the circumstances. Munro's intervention in Devaswom affairs was just after the enactment of Bengal Regulation XIX of 1810 and after the commencement of a similar policy in the Madras Presidency, as disclosed by the letter to Mr. Hurdis referred to above. He was the accredited agent of the British Government in Travancore and Cochin. Is it not natural to suppose then that his scheme here was a propagation of the course of policy pursued in British India, modified in the light of local conditions?

17. As suggested in the terms of reference to the Committee, considerable emphasis is laid by my colleagues on the fusion of State revenue and the incomes from the Devaswoms in support of the view taken by them. No doubt able administrators like Dewan Seshiah Sastri found it difficult to separate the two. But even this problem, once deemed impossible, was solved by Sir. P. Rajagopala Chari, when he was at the helm of affairs here, and though it may still remain a question whether he has really succeeded in untying the Gordian-knot, it has to be conceded that he has at least cut it. People cannot be blamed if

they choose to remain sceptic about the correctness of what has been achieved by Sir Rajagopala Chari in view of the admission of inability by prior Dewans. Any how something more reassuring than the current settlement registers is undoubtedly needed to persuade the public to accept the results arrived at. I do not therefore disputing the starting point of my colleague's arguments. But proceeding from there we disagree all along the line. Where the claim to any particular fund is in dispute and nothing more is known about it than that it remains mixed up with another fund admittedly belonging to one of the claimants, then the fact of blending may be of use to indicate the character of the fund in dispute. But whereas in the present controversy, we know or could have known from State accounts all about the two funds thrown into hotchpotch, there is no scope to raise a presumption from the admixture or to seek to displace what we already know of the funds in question. Further consolidation of funds, except when effected with the intention of appropriating the disputed fund to one's own use, is hardly of any avail to thwart those who claim the same. The piety of Travancore Sovereigns, the sense of righteousness of a European like Col. Munro, and the circumstances, all militate against the suggestion that the State intended to appropriate Devaswom funds to its own use. Subsequent impossibility to separate the funds brought about by lapse of time or other complicating conditions, is irrelevant, when we are at the causes and origin of the blending. The problem presented by the merger has its explanation, compatible with the existence of trust. When Col. Munro took charge of the administration, he found a number of treasuries existing in the State. Such a system was found opening a door for malpractices and so retaining the Huzur treasury as the sole receptacle of what was due to the State, he abolished the rest. Under such an arrangement when the Devaswoms were taken over, the State had no alternative but to receive the incomes

from the Devaswoms into the Huzur Treasury. The key-note of Munro's reforms was rigid economy. Certainly such an administrator would have been the last man to organise a separate establishment for the Devaswoms. These circumstances in course of time lost their grip on the Revenue Department which with its obstinate tendencies to confound, has contributed more than its ordinary share to belog the situation. The ruling in XXXII T. L. R. page 54 shows that with respect to the Kaviyur temple, Sirkar occupies only the position of a manager. My Dewan Peishkar colleagues tell me that the rents and profits due to that institution are merged in the general land revenue. Why merger should receive a different interpretation in the case of other temples is not clear. This aspect of the matter therefore appears to be quite inconclusive and unavailing.

18. I next come to the very pivot of the question, Mr Ramachandra Rao says that the Royal Proclamation authorising Government interference in the affairs of Devaswom, in Munro's time, is not forthcoming. Probably no such thing exists. It might even be if we may believe the allegations of Kanakku Venkiteswara Pye Janardana Pye in his suit against Col. Munro and the East India Company (Madras Supreme Court Reports 2 strange page 199), that the whole thing was done by the personal order of Col. Munro without any previous reference to the Throne. Anyhow the researches of the late Mr. Mahadeva Aiyar have brought to light orders of Col. Munro on the subject in hand (see R. M. Vol. V pp. 187 and 192). The first dated 3rd Kanni 987, after reciting the two malversation and misappropriation of the funds and movables in the Devaswoms, the remissness and laxity in the collection of rents and profits and the neglected condition of the buildings and cultivation in the Devaswom lands as the cause of Government interference, direct the Revenue Officers to take such measures with respect to the Devaswoms as they would take to prevent loss or detriment to Government revenue; to make and

inventory of the movable properties of each institution; to conduct all the ceremonies according to the established practice; to carry out the cultivation of Devaswom lands in cases where it is neglected by the tenants and to send up regular accounts to the Huzur regarding Devaswom affairs. The outstanding feature of this order in the distinction it maintains between the Devaswom lands and Sirkar lands. The direction is to regard the Devaswom lands as if they were Sirkar lands. It nowhere says that the Devaswom lands have become Sirkar lands. The expression "as if" and its equivalents, be it in only language, always imply an essential distinction and incidental similarity (29 T. L. R. p. 37). The similarity implied in the order is in respect of the management of the Devaswom properties only but not in other respects. The second order dated 18th Thulam 987 appoints a Committee to draw up a Pathivu or scale expenditure with regard to the Devaswoms and Oottupuras. It repeats a goodly portion of the first order and discloses the ideas underlying the measure, "എന്നാൽ നമ്മുടെ അഭിപ്രായം ഇരിക്കുന്നതെന്തെന്നാൽ അതാതു ദേവസ്വങ്ങളിൽ പതിവായിട്ടു നടന്നുവരുന്ന പുണ്യധർമ്മങ്ങൾ ആലിയിച്ചു ഉണ്ടാകാതെയും വേണ്ടുപ്രകാരം വിശേഷമായി നടക്കേണ്ടതും നടത്തിക്കൊണ്ടതും ദേവസ്വങ്ങളിലെ പണികളും ചെയ്തിച്ചു വേണ്ടുപ്രകാരം സൂക്ഷിക്കേണ്ടതും അത്രെ ആകുന്നു." Such a clear avowal of the object of Government closes the door on speculations and extraneous evinence. From the orders referred to above, there is no possibility to spell out an intention on the part of Government to deprive the deities of their properties or to reduce them to the position of perpetual dependents on the benevolence of the State. On the other hand, the assumption management of these institutions may be seen to be the *ne plus ultra* of State interference in the administration of Col. Munro. If the distinction between Devaswom lands and Pandaravaka lands was wiped off by Col. Munro, the insistence on separate accounts as to the demand, collections and arrears with respect to Devaswom lands as in the case of Pandaravaka lands, becomes meaningless (see the first order referred to above). Accordingly

the Thirattu of 987 (R. M. VOL. V. p. 193 et seq) contains separate entries showing the income from Devaswom lands as distinguished from Pandaravakai lands. The miscellaneous incomes from Pandaravakai and Devaswomvakai are also separately entered. In the opinion of Col. Munro, the evil that called for remedy was only the mismanagement of the Devaswoms. He never regarded the Devaswoms themselves as harmful institutions to be suppressed by the State. The necessities of the case were met by the assumption of management by the State. Conversion of Devaswom properties into Sirkar property would have been an extravagant measure going much farther than the requirements of the situation, if not entirely belying the professed object of Government interference.

19. This question was before the High Court of Travancore in a series of cases with the Sirkar on the party array and I fail to see how it is possible to reargue the matter bearing in mind the conclusion arrived at in those decisions. In XV T. L. R. p. 185. \* Their Honors observe "The assumption by Government of the management of Devaswom is not a confiscation or usurpation and does not vest the properties attached to these institutions in the Sirkar." The position of the Government with respect to such Devaswom was held to be that of a manager and the obiter observations in VII T. L. R. p. 89 which lent some support to a contrary contention were dissented from. In XVII T. L. R. pp. 184, 185 it is said that "The Devaswom lands held by the Sirkar are held on trust" and the XV T. L. R. case was followed. The question was again raised in XXII T. L. R. p. 54 and the leading judgment by Mr. Ramachandra Rao clearly shows that when Sirkar assumes the management of a temple,

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\* The case related to the Kollencode Devaswom, near Alleppey. It is incorporated Devaswom. P. K. N. P.

the temple properties do not become Government property and the assumption is an administrative act founded on the position of Government as *Parenspariae*. The Chief Justice Mr. Sadasiva Aiyar added a few words of his own on the point of limitation raised, as well as on the distinction between rent and revenue. My colleagues seem to place reliance on some of his observations. The passage is as follows:—"Unless the State mixes up the rents of the lands of a temple with the general revenues so as to make those rents capable of appropriation for other general purposes and so as to treat sums realised from other heads of revenue as available for the temple expenses, it cannot be said that the rents of the temple lands, though collected by the State as manager, form part of the public revenue. It may be that in the case of 4 or 5 important temples like Vaikam, Suchindram &c, and in the case of the temples taken up by Col. Munro as State properties, the rent collected might be treated as public revenue. In the first place these observations do not support the view that Government is not a trustee with respect to the Devaswoms taken over by them; for the remarks bear only upon the amalgamation of the temple funds and State funds. Secondly, if it is contended on the strength of the above dictum, that by such a process of assimilation the blended fund becomes revenue from the stand-point to the State, there is nothing to prevent the same being regarded as Devaswom rent from the stand-point of others. Once we get at the existence of a trust, no amount of breach of trust or dereliction of duty will avail the trustee to disclaim his position or to prevent the consequence of his acts. The position of Government with respect to the Devaswom taken over by Col. Munro has been examined in the previous paragraphs and it has come out that the State is a trustee in relation to them. Such being the case, subsequent misapplication or merger of trust funds has their appropriate remedies in civilised jurisprudence.



Mr. Sadasiva Aiyar's observations, I dare say, do not lay down anything starting in that respect as will appear later on. Thirdly, the learned Chief Justice does not dissent anywhere from the views of his learned colleague and has therefore impliedly accepted the leading judgment in the case. Fourthly, the Kaviyur Devaswom about which the case arose, having been assumed in 1076, was an incorporated Devaswom at the date of the decision. The fact is referred to in Mr. Ramachandra Rao's judgement which proceeds on the footing that it was an incorporated institution. The Chief Justice could not have failed to notice this fact. With that aspect of the case before him, he maintains that the Sirkar is only a manager of that temple. Since nothing turns on a difference in the points of time at which the assumptions were made, there is no conceivable difference in principle between incorporation of the Kaviyur temples and that of the temples taken over by Col Munro. The Chief Justice evidently thinks otherwise and draws a distinction. I fear the learned Judge might have been mis-informed about what was done by Col. Munro or might have misconceived the effect of it. His reference to temples such as Suchindrum, as distinct from those which fell within the compass of Col. Munro's so called annexation, leads me to suppose that the learned Chief Justice's information on the subject was either imperfect or inaccurate. In A. S. 234 of 1077, the High Court says "The Sirkar is a trustee and manager of the Suchindrum pagoda and the lands appertaining to that pagoda are burdened with the trust for the performance of religious services in that institution." The Chief Justice has not noticed this prior pronouncement on the subject. In view of these considerations, the Chief Justice's observations in the XXII T. L. R. case are invoked in vain to combat the theory of trust. The last reported ruling on the subject is in IV T. L. J. p. 339, which in spite of all that the Revenue Manual had to suggest to the contrary, adheres to the

ruling in XV T. L. R. A word remains to be said on the attempt made in the majority report to discount the value of these decisions. In view of the conflict between the earlier VII T. L. R. case and the latter rulings, my colleagues take their stand on the absence of the Full Bench ruling on the point. They overlook that the nature of the observation in VII T. L. R. was such as did not necessitate reference to a Full Bench. Further M. Justice Kunhiraman Nair who took part in the VII T. L. R. case has subsequently accepted the XV T. L. R. ruling as correct. (See A. S. 234 of 1077 quoted in R. M. Vol. I, p. 16). Then it is said that, since the legitimate foundations for a correct decision on the point, namely Col. Munro's orders, were not available till the Revenue Manual appeared on the scene, these decisions may be let well alone in the discussion of the question at issue. The assumptions underlying this line of argument seem to be that in the absence of the said orders, people are bound to go wrong and with their assistance every one is sure to be correct. Both of these assumptions are unfounded. A correct interpretation of Col. Munro's orders leads one exactly to the same conclusion as has been reached in the decisions of the High Court. Finally, my colleagues think that the question was not directly in issue in the cases quoted. I am prepared to grant it for argument's sake. Undoubtedly the question, whether Sirkar Devaswom lands are the same as Sirkar lands, was pre-eminently in issue in some of the above mentioned cases. So the decision on that issue, that the Sirkar is not the owner of the Devaswom lands, is quite legitimate. If so, inevitably it must follow that the Sirkar is in possession of the Devaswom lands only as a manager or trustee. Hence the absence of a direct issue does not in the least minimise the force of these pronouncements. Further the Sirkar for example in XV T. L. R. was good enough to, admit that it had only the position of a manager with respect to these institutions. How can it now veer and claim ownership of Devaswom lands.

20. So long ago as 1050 M. E. Dewan M. Seshia Sastri recognised that the State is a trustee with respect to the Devaswom under its control. In the review of his famous administration report for 1048 and 1049, there was a query by the Madras Government whether it was not possible to separate the trust fund from the general State Revenue, to which the Dewan replied that he would fain have done so provided it were possible. Such a deliberate admission of the State through its accredited spokesman was never repudiated by any of the succeeding Dewans. Mr. Ramachandra Rao maintains the trust theory in his report on State Charities and Devaswoms. In the last but one administration, when that report came to be reviewed, Sir P. Rajagopalachari accepted the position and proceeded to separate the Devaswom lands and their rents from Sirkar land and the general revenue. I see no means to get over the force of all this or to invite Government to adopt the change of front advocated by my colleagues. In this connection I wish to draw attention to the opinions of Messrs. A. Govinda Pillai (Retired High Court Judge), P. Ramakrishna Aiyar (Retired Dewan Peiskhar), S. Krishna Aiyar (High Court Vakil) and others in answer to the Committee's questions supporting my view of the matter.

21. Another construction of Col. Munro's action remains to be noticed. The arguments hitherto advanced have been directed to show that the Devaswom lands were never detached from the deities and assimilated to the State. An objector may concede that, but going a step further, may raise the question why one may not view the deities themselves as having been incorporated with the State, in which case the Devaswom lands, as things attached to the duties, would vest in Government in the wake of the deities assimilated. To borrow the language employed in regard to the national church in England; why not regard the Devaswoms as "built into the fabric of the State."

All this I presume, amounts to saying that the deities have been appropriated by the State and have become the property of the State. Now we have to bear in mind that a trust created for an idol or temple is a public charitable trust and that an idol or a deity is a juridical person in the contemplation of law; capable of holding property and accepted gifts and offerings (12 Bom. 247 affirmed on appeal to P. C. in 24 Bom. 50). The observations of that eminent Judge Mr. Justice West in the case cited, wherein the debts set up a claim to the idol at Dakore as their property would furnish a complete answer to those who entertain similar views with respect to the connection of the State and the Devaswoms here. His Lordship says referring to defendant's admission that they could not sell the lands bestowed on the deity at Dakore, "it is consistent with the grants having been made to the juridical person symbolised or personified in the idol at Dakore. It is not consistent with this juridical person's being conceived as a mere slave or property of the Sevakas.....". It is indeed a strange if not wilful, confusion of thought, by which the defendants set up Sree Ranchod Raiji as a deity for the purpose of inviting gifts and vouchsafing blessings, but as a mere block of stone, their property, for the purpose of appropriating every gift laid at its feet. But if there is a juridical person the ideal embodiment of a pious or benevolent idea as the centre of the foundation, this artificial subject of rights is as capable of taking offerings of cash and jewels as of land. Those who take physical possessions of the one as of the other kind of property incur there by a responsibility for its due application to the purposes of the foundation.....They are answerable as trustees even though they have not consciously accepted a trust.....". The latter part of the above passage is quoted with approval in 14 T. L. R. p. 225 at p 232. In 1919 M. W. N. p. Mr. Justice Seshagiri Iyer refers to the passage quoted from 12 Bom. 247 as a compendious expression of Hindu

ideas on the question and observes "It would strike at the very root of religion in India to hold that the person who is permitted by the worshipers to receive the offerings is the owner of the income and not simply the trustee thereof .... in Chintaman Baloji Dev Dhondo Nanesh Dev (15 Bom. 612) a temple was regarded as public, notwithstanding the fact that the founders and their heirs mixed the income arising from offerings with their own private income ....." Mr. Justice Sadasiva Aiyar was a party to this decision and expresses his entire agreement with the conclusions of his colleagues. Various offerings and gifts are made to the Sirkar Devaswoms by the Hindu population, intending such for the deities and not for the "fabric of the State. The State receives all these, fully aware that the gifts and offerings are intended for the deities. Now to be told that the State has a right to absorb such income and the deities need only be regarded as if exhibited to stimulate the munificence of the worshippers would be a rude shock to many a pious heart. Further, if the Sirkar Devaswoms and the deities associated with them are to be regarded as appertaining exclusively to Government, the public can have no right of entry or worship in such temples. Yet in 31 T. L. R. p. 113, one who was unreasonably excluded from worshipping in a Sirkar temple (the Ambalapuzha temple) was allowed to vindicate his right against the Sirkar. I may also refer to the decision of Mr. Ramachandra Rao, as District Judge of Alleppey, in what is well known as Vakji Sett's case (O. S. 6 of 1072), upholding the right of a foreign Bania merchant domiciled in Travancore to enter a Sirkar temple for worship,—a decision the principle of which was affirmed in appeal in 14 T. L. R. p. 156 and referred to evidently with approval by Mr. Justice Sadasiva Aiyar in 1914 M. W. N. p. 822 (see page 829). So then to advance a theory as indicated above, is really to recon without one's host so far as the rights of the public are concerned.

22. There remain to be considered certain difficulties suggested in the questions proposed by the Committee. There cannot be a trust without trust property. Whether the Non-ezhuthitheerva Devaswoms had any properties being a moot-point according to some, how are we to regard the State a trustee in respect of such institutions? My answer is that those Devaswoms had properties of their own and hence the difficulty suggested does not arise. Reference may be made to R. M. Vol V pages 208, 243, 268, 270 etc., to prove the existence of properties belonging to Non-ezhuthitheeruva Devaswoms. Each of them had at least the garden on which the temple stands to call its own. Offerings and gifts of movable properties have also to be taken into account. The next question is who constituted the Government a trustee or how the Government become a trustee. First with regard to the temples founded by the Travancore Soverigns, they constituted themselves trustees with respect to such. Secondly—the *trusties and agreements referred* to in paragraph 10 *supra* are instruments creating trusts and their acceptance constituted the Sirkar a trustee in respect of the temples included in their scope. Thirdly—the law says that person holding a fiduciary character becomes a trustee by assuming such to act as such, though he was not regularly appointed as a trustee (Soar Versus Ashwell 1893 Q. B. 390). In the case of cited the soliciter Ashwell was held to be an express trustee because he had received the money in a fiduciary relation and as trustee for his clients the trustees under the will of Joseph Soar. The principle of Soar Ashwell has been followed in Indian Courts (Vide 31 Bom. 427 and 37 Mad. 373). The Sirkar, as representing the Melkoima, was bound to protect the Devaswoms and so in 987 M E took over the direct management of some Devaswoms. By that step it has undoubtedly become a trustee with regard to the pagodas so assumed. Even if Government had originally nothing to do with these trusts, the interference in

Munro's time and the subsequent conduct of Government show the acceptance of the trust by Government. *Vide* 18 T. L. R. 134 The next difficulty brought up relates to the position of the tenants of Sirkar Devaswom lands and the hardship to which they will be exposed if the trust-theory prevails. Their position is already fixed for them by the highest tribunal in the State and arguments admisericordiam should not be allowed to blind us. No doubt the State has been indulgent to them at the cost of the Devaswoms or of the general tax-payer. I am far from suggesting that these tenants may be rack-rented or that their tenure should continue precarious. Some fair and equitable arrangement safeguarding the interests of the Devaswoms and the tenants has to be made by the State to meet the difficulty. Finally it is asked how the absence of data to trace Devaswom lands to the respective Devaswoms, one is justified in fixing the obligation of a trustee on the Government with respect to each of the Devaswoms. If the facts assumed are correct, the State may be considered as having got into a labyrinth from which it knows not the way out. The position may be quite bewildering but if the State was a trustee before it got into the confounded situation, I fail to see how it can plead the confusion brought about by itself in enlargement of its own rights or how the trustee may develop into a full proprietor. An argument based on the exclusion of Sirkar Devaswom lands from the category of Jenmom land as defined in Regulation V of 1071, may be noticed in this connection. From the said exclusion the inference is drawn that Sirkar Devaswom lands are Pandaravakai lands. Such an inference by no means follows. Legislative interference in the mutual relations of Jenmis and Kudiyaans was calculated to remove certain evils which crept into the system of Kanapattom holdings and should be viewed as confined to the subjects dealt with. The tenants of Sirkar Devaswoms never stood in need of any redress and their holding are specifically exempted from the regulation.

Sripandaravagai and Kandukrishi lands are also so exempted in the definition. I ask whether it is possible to argue from such non-inclusion, that Sripandaravakai and Kandukrishi are Pandaravagai lands. My colleagues refer to the Proceedings of the Cochin Darbar organising the new Devaswom Department in that State. The Royal Proclamation dated 29-6-1085 (11-2-1910) proceeds on the basis of the Sirkar being "the owner and proprietor" of the incorporated and unincorporated Devaswoms in the Cochin State and constitutes the endowments attached to the said institutions and the incomes derivable from them into a Common Trust. The properties and endowments of the incorporated Devaswoms in Cochin are said to have been "annexed by the State" and therefore the Proclamation directs their "restoration" to the respective Devaswoms. It also lays down the procedure to be followed in cases where the Cochin Sirkar "acquires absolute ownership over any Devaswom" by *escheat, voluntary surrender or other means*. The annexation mentioned above refers to what Col. Munro did with respect to the Devaswoms in the Cochin State. Evidently the Cochin Darbar did not view it as an act of confiscation. The "restoration" of the properties implies that the properties were all along being regarded as appertaining to the Deities but were in the custody of the State for administrative purposes. What then is meant by the absolute ownership and proprietorship claimed by the State is difficult to understand. I am equally at a loss to understand how on the extinction of the line of the trustees, the law of escheat would confer an absolute title on the State to the Devaswom lands. The basis of the claim in cases of surrender seems to be the doctrine put forth by the Cochin Special Officer, Mr. C. Atchutha Menon, in his report on the administration of the Devaswom Department. That officer in striving against the prevailing impression in Cochin that the State was a trustee with respect to the Devaswoms under its control, has started a new



theory, that in case of surrender by trustees, since the Sovereign represents the beneficiaries, the trust is extinguished and the properties become State properties. The fallacy in this argument is quite patent. If the proposition that as soon as trust-properties come into the possession of one representing the beneficiaries, they are purged of the trust, be a correct one, one fails to see why the trustees themselves may not claim the properties as their own, for they represent the beneficiaries in an eminent degree. Secondly the owners of the Devaswom properties are the deities and the trustees have nothing to surrender but the right of management. Granting that the Sovereign is a representative of the subjects, in the case of a Public Hindu Religious Trust, the beneficiaries are only the Hindu community in the State and probably outside it, but not his other subjects. So on a surrender, the Sovereign accepts the properties not on behalf of the entire State. There is no justification to treat such as State property. Any further examination of the Special officer's theory is needless to prove its unsoundness and with all respect to the Royal Proclamation I decline to accept it as a guide on the subject under discussion.

23. With respect to unincorporated Devaswoms such as the Thuravur temple and the pagodas taken up by Government under the Hindu Religious Endowment Regulation, my colleagues agree that the position of Government is that of a trustee. Hence that branch of the subject need not be pursued further.

### THE OBLIGATION OF THE STATE TO MAINTAIN THE DEVASWOMS.

24. Intimate association with the civil power has always been an advantage to religion and dissociation a blow to religion. This is the view of Dr. Dollinger. But Pope Gregory VII laid down that temporal authority had its origin in the instigation of

the devil and drew the conclusion that spiritual authority was of necessity its master and director (see Bishop Weldons' contribution referred to above). Thus in the connection between the church and the State each considers itself indispensable for the welfare of the other. But what about the relation of the Devaswoms and the State in Travancore? Assumption of management by the State has benefited the Devaswoms in so far as it has closed the possibility of improper alienation, unjustifiable debts and other channels tending to cripple the resources of the Devaswoms. On the other hand State interference has stunted the development of these institutions and the management itself has degenerated into a machanical concern where under the benumbing operation of departmental officialism the scope for popular participation is steadily narrowed and the interest of the beneficiaries is regarded as but dust in the balance. Again contrary to all expectations, the interests of the Devaswoms have proved not quite safe in the keeping of the State since we see that lands belonging to these institutions have been steadily vanishing with a corresponding increase in the extent of Sirkar lands. For instance the Thavanamudakkom account for the Agastiswaram taluk for 1060 gives the extent of Devaswom lands in that taluk as 38,377 paras and  $6 \frac{7}{16}$  eds. while according to the recent settlement statistics, the extent of the same is only, 14,461 paras and 8 eds. (R. R.). In the Southern Division 17,000 acres of Devaswom lands have dwindled to 6,000 acres after the recent settlement, as per the computation made by the late Mr. Mahadev Aiyar. I do not impute any wilful intention on the part of the State to encroach on the Devaswom properties. A good deed is explicable in the light of the bungling ways of the Land Revenue agency. From of old, when rights of a tenant lapsed to the State as in the case of escheat, Chakudy or Pokudy, the Revenue Department was in the habit of registering the lands concerned as Pandarapattom, ignoring the rights of the

Devaswoms and other Jenmies till the illegal practice was discontinued in the case of escheated lands, by Government notification No. 8177 of 1063. There are also instances in which Devaswom lands let out on Nadupattom tenure by Government, pending the settlement of disputes between rival claimants, have ultimately been registered as Pandarapattom. Enfranchisement of Viruthy properties and Puduval registrations have also ended in transferring much of Devaswom properties to the category of Sirkar Pattom lands. The extract from the Thirattu of 996 (R. M. Vol. V. p 326 *et seq*) discloses that Devaswom properties have been grouped with Kandukrishi property as well. If a tenant defaulted to produce his title deeds for inspection by the Revenue Officers, the enquiring officer used to be instructed to treat such lands as Pandaravagai. To what extent the Devaswoms have suffered or how for their title deeds have been obscured under such arbitrary ways of the Revenue Department is quite impossible to ascertain. The extent of Devaswom lands taken over by Col. Munro in 587 is said to be 62,000 gardens and 5,48,000 paras or 68,500 acres of paddy fields. This does not include Cherikal lands. The temple authorities by purposely withholding information called for by Col. Munro, managed to keep back much property which was subsequently hunted out and taken into the possession of the State. To these should be added Sanketham lands brought under taxation for the first time in 993 and the lands of temples subsequently put on the list of incorporated and unincorporated Devaswoms such as the Chaliswaram temple, Kaviyur temple, Pachima Bhagavathy temple &c. The yield from the gardens and the fields taken up by Col. Munro amounted to 4 laksh of rupees which was nearly one-third of the total revenue of the State at that period. This does not include offerings, Adiyara fees, interest on loans and other sundry items, all of which together fetched about Rs. 50,000 to the State. On the whole the State is said to have gained a lakh and a half rupees by the arrangements

of Col. Munro. Up to 1050 M.E., the State had clearly a balance of Devaswom funds in hand after meeting all expenses on their account (A. R. for 1048 and 1049). According to that Report, the annual income from Devaswom lands then stood at Rs. 4,30,000. Shortly afterwards a general Revenue Settlement was commenced and there was every reason to believe that the Devaswom land Revenue would go up much higher with the completion of that arduous task. Yet what do we find? By G. O. 9033 L. R. and F. dated 9th August 1913 (25-12-1088) Devaswom land revenue is fixed, though provisionally, at Rs. 3,85,601-22-0. This was the culmination of the action taken by Sir P. Rajagopalachari, about with reference was already made: The result strikes one as a financial legerdemain and no wonder it has drawn forth the condemnation of experienced Revenue Officers, officers like the late Chief Secretary Mr. R. Mahadeva Iyer. By a modest calculation Mr. Ramachandra Rao seeks to show that the income from the Devaswom properties may be taken to be nearly Rs. 80,000 and 18 lakhs of paras of paddy, yearly. (R. R.) As may be seen from what was said above, while the general State Revenue is seen rising after each Revenue Settlement, the Devaswom land revenue alone seems to make a steady progress towards the vanishing-point. Devaswom lands and Sirkar lands being treated alike for purposes of revised assessment at these Settlements, we can explain the phenomenon only by predicating a gradual shrinkage in the extent of Devaswom lands. A goodly portion of such lands must have got disguised as Sirkar lands. A keen observer like Sir Rajagopalachari could not have failed to notice the anomaly. Hence Government explains it as follows: "A large extent of the Sirkar Devaswom lands was also treated as Pandaravagai owing to mistake or misconception" (R. M. Vol. IV p 774). If so, I ask whether it is not dangerous to allow the figure Rs. 3,85,601 22-0 to stand as it is, which in course of time, when its bearings fade away, may be

conveniently removed from its setting and quoted against the Devaswoms. Again, an account of the accumulated balance from 987 M. E. remains to be rendered by the State. The slump in the incomes of the Devaswoms brought about by applying the Government rate of assessment and comutation to their lands as well as loss resulting from the remission of debts due to the Devaswoms under the Royal Proclamation dated 11-12-1070, are among the other aspects to be considered in this connection.

25. From the previous paragraph it is evident that trust funds have got mixed up with State funds that it is difficult to separate the two with any approach to accuracy or correctness. The State is further liable to Devaswoms for the loss and detriment brought about by its actions in disregard of its position as a trustee. The result is an obligation on the part of the State to maintain the trusts—an obligation the extent of which has to be measured not by what is now represented as the income from the Devaswoms but by the extent of their resources of the State "Where a trustee mixes trust money with his own money....the *ecstui que trust* has a claim to have it restored from the mixed fund in priority to any right of the trustee to the fund and can claim the whole fund which if the amount is trust money cannot be ascertained" (Halsbury's laws of England Vol. 28 p. 208). Again in 35 Mad. p. 712 Mr. Justice Abdur Rahim observes "It is a well established rule of equity that if trust money is mixed up with the trustee's private money, then the trust will have a lien on the aggregate amounts". See also section 65 Indian Trust Act, 6 Calcutta p. 70 and Lewin on Trusts 12th Edition page 332. In *Duke of Leeds versus, Earl of Amherst, Shadwell V. C.* says "the general wisdom of mankind has acquiesced in this that the author of a mischief is not the party who is to complain of the result of it but that he who has done it must submit to have been the effect of it to recoil upon himself." The result of blending being

such, the observation of Mr. Sadasiva Aiyar in XXII T. L. R. that original character of rent undergoes a transformation on admixture may be let well alone. What is important and relevant is the obligation that fastens on the mixture and on that point his Honor is pretty clear his view being that the revenues under such conditions should be regarded as available for the upkeep of the trust. Thus the entire State Revenue is leavened with the trust and there is an absolute legal obligation on the part of the State to maintain the Devaswoms in an efficient condition so long as it is unable to render a correct account and get a valid discharge of the office it has undertaken. I am sure colleagues will not regard my conclusion extravagant; for they agree in identical obligation on the State though for different reasons. Nor will it be surprising to the State; for ever since its connection with the Devaswoms it has evinced and unconditional willingness to support these institutions with all sources at its command.

26. When I said in para 13 supra that the grounds on which my colleagues put the obligation of the State towards the Devaswoms cannot be depended on, I am only giving expression to my out-look upon the situation before us. I am far from denying the validity of my colleagues "position or from urging that it is indefensible. Every monarchical\* country in Europe has an established church of its own. In Austria and Russia even monasteries" have been allowed to continue in undisturbed possession of their estates. In Switzerland the Government of the Protestant churches was under the Cantonal Magistrates. In Spain the Church property is secularised and the church is maintained by the State itself. (The 19th century October No. 1891). In England after the great fire of London, a rate

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\* Some of the facts stated here may be open to correction in view of the lapse of time after the application of the treaties I rely upon in this paragraph.

was imposed by the Legislature to rebuild St. Paul's Cathedral. "In more modern time when it has been thought needful the assistance of Parliament has been given by a general grant out of the public purse." For eleven years from 1809 to 1820 Parliament contributed £ 100,000 per year towards the fund, called "Queen Anni's boundy." When the Church Building Commission was created by Statute in 1818, Parliament voted a million sterling in furtherence of that scheme half a million more seven years later. If such a policy was approved and followed in the west, how, is it possible to object to a similar policy in the East where religion supplies the vitalising force for every human transaction? In the case of Travancore, we see the State itself has been dedicated to a Hindu deity and emphasis was laid on that step even so recently as in the regime of Messrs. V. P. Madhava Rao and S. Gopalachari, by both of the said Dewans. In spite of all recent criticism much of which is of the forcible-feeble kind, it is difficult to treat the act of His Highness Maha Raja Marthanda Varma as if it were quite meaningless. "Not even the newest of the new machiavellians says Lord Morley *"denies that a State is bound by some moral obligation."* Further protection of existing interest being *one of the main functions of the State*, it will be strange indeed, if in the gush for reform and progress, the Devaswoms come to be left out, in the cold I pass to another aspect of the matter. From what was said already, it is clear that the State itself is the founders of some of these temples, while with respect to some others, it has come to occupy the position of the founders. Though the founder of a religious institution is powerless to altar or curtail the trust created by him there is nothing to prevent him from augmenting the resources of the trust, if he chooses to do so. In the case of a State, it becomes a question of prestige, when the foundations created by it languish from the inadequacy of the trust funds. Then as Sir. P. Rajagopalachari

puts it, His Highness the Maharajah "has an undoubted right" to supplement the resources of the Devaswoms from the public revenues

## THE SEPARATION OF THE DEVASWOM FROM THE LAND REVENUE DEPARTMENT

27 I wish to add a few words on the second question referred to the Committee. Originally the Revenue Department was practically synonymous with the civil service of the State. The Tahsildars of old, more especially his prototype the Karurkar appears to have been a peculiar official organism made up of various segments possessing several functional activities. The general course of his evolution consists in the elimination of the outlying segments with the specialisation of those remaining, into well marked and efficient working. The question before us is whether we can conveniently remove yet another segment from his structure, namely—the one connected with the Devaswoms. In all fairness, I admit at the outset, that the normal constitution of a Hindu State demands a separate officer and establishment to administer the religious institutions under the control of the State. Devathushtipathv (ദേവതാഷ്ടിപാത) is the name given to this officer in the Sukraneety. Referring to his qualifications the work cited lays down that his officer should be mindful of his own duty in the life, always devoted to religious practices and never yielding to greed and hankering (Chapter II 327-328 B. K. Sircar's translation). The great Hindu King Sivaji had a Pandit Rao as the head of his religious department (Kincaid and Parasnis). In Malabar, from the days of the Perumals, religious institutions were generally under hierarchic councils, with a Government of their own subject only to the supervision of the ruling power. Such supervision in Travancore was being exercised through the Revenue Department even before the days of Col. Munro, as



was the practice in British India in the days of the East India Company. When that system was swept away as we have seen, in Col. Munro's regime, and the State widened the scope of its functions by assuming the direct control of the Devaswoms, the charge of those institutions was entrusted to the Kariakars and their superiors. We can appreciate such an arrangement, if we bear in mind the economical management of which the State then stood in painful need, the prior relations of the Revenue agency to the religious institutions, the importance attached to the affairs regarding them and the influence wielded by the Kariakars as the chief functionaries in the administration. Since, then experiments were made for example in 1005 and 1063 by the appointment of other agencies, to divorce the Devaswoms from the Land Revenue Department, but with little success. Now the question is again raised to solve the problem presented by two movements; one started by caste-Hindus for the better management of the Devaswoms and the other set on foot by non-Hindus and noncaste Hindus for the removal of civic disabilities. The currents of the two movements though dissimilar in their aims and character, agree in the remedy suggested: that is to say, the separation of the Devaswoms from the Land Revenue Department. Whether the step proposed is the correct remedy, and whether there is any grievance to be remedied at all, are questions with which the Committee is not concerned. The short question referred to us is the "feasibility of the measure". Therefore we need consider only the difficulties, if any, that stand in the way of the separation of the two Departments. When this question was brought up for discussion in the Sree Mulam Popular Assembly, Dewan Mr. S Gopalachari said "from tradition prestige and authority the Revenue Department seems best fitted to manage the Devaswoms". In other words he said that the Devaswoms would only be the worse for dissociation from the Land Revenue Department. Had this opinion been well founded, it would not

have been difficult to oppose the proposed separation. For in view of the pre-existing obligations of the State, there would have been little justification for any measure constraining the Hindu deities to beat a retreat, when subsequent claims however unimpeachable, are advanced for recognition by the State. But the Hindus themselves express disapproval of the existing system, and it is difficult to under-rate its force. So this ground alleged by Mr. S. Gopalachari fails. The same Dewan and his successor were disinclined to accept the proposal on financial grounds also. That is not an entirely weightless consideration. Before the assumption of management by Government these institutions were generally under honorary managers. Col. Munro himself was averse to add an item of expenditure on account of the management, and therefore placed the Devaswoms under the control of the Revenue Department. If the State is prepared on a settlement of accounts to hand over the Devaswoms to those interested in them, non-official bodies may be found willing to manage these institutions without any remuneration. Such a course is not quite convenient for the State to adopt. We have also to bear in mind the usual rule that a trustee is not allowed anything for his own trouble (Lewin) p 787). These considerations coupled with a reluctance to spend public money on the Devaswoms might have weighed with the said Dewans when they expressed themselves to be not in favour of the proposed severance of the two departments. But the condition of these institutions should outweigh such considerations. The policy of tinkering and retrenchment, under the guise of revision of Pathivus. inaugurated by Sir P. Rajagopalachari, is not only unjustifiable but quite inadequate to root out the evils that have grown up in the system. A separation of the Devaswoms and the organisation of a new Department for them remain to be tried before the public press for their total dissociation from Government control. As to funds, I think

they have to come mainly from the Land Revenue Department, since a portion of the work assigned to that Department is being taken away. For that, re-arrangement of the Revenue Divisions, Taluks and Pakuthies seems necessary. I know of no other difficulty in the way of separating the two Departments. With these remarks I agree to the separation proposed by my colleagues.

On the other questions referred to us, I am in entire accord with the views of my colleagues.

P K. NARAYANA PILLAI.

## **PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHA RAJA OF TRAVANCORE.**

Read again:—

(1) G. O. No. D. 4905, dated the 25th October 1912, on the reorganisation of Dewaswoms.

Read also:—

(2) Representations made at the Second Session of the Sri Mulam Popular Assembly by Messrs. A. D. Arumanayagam B.A., B.L., (South Travancore Native Christian Association, Nagercoil), S. Padmanabha Pillai (Karunagapalli Taluk), and T. C. Cheriyan (Travancore and Cochin Christian Association, Kottayam), *re* the desirability of separating Devaswoms from the administration of the Land Revenue Department and the Dewan's reply thereto.

(3) Representations made at the Third Session of the Sri Mulam Popular Assembly by Messrs. R. Narayana Pillai (Ettumanur Taluk), C. P. Thomas B.A., L.T., (Travancore and Cochin Christian Association, Kottayam), Varkey John (Travancore and Cochin Catholic Association, Kottayam), C. G. Idichandy B.A., Bar-at-law (Mavelikara Taluk), and K. G. Sessa Aiyar B.A., B.L., (Central Association, Trivandrum), on the same subject and the Dewan's reply thereto.

(4) Representations made at the Fourth Session of the Sri Mulam Popular Assembly by Mr. C. Mathew (Kartigapalli Taluk), on the same subject and the Dewan's reply thereto.

(5) Representations made at the Fourth Session of the Sri Mulam Popular Assembly by Mr. D. Govinda Pillai (Kottarakara Taluk), *re* the need for making special arrangements for the

management of Devaswom properties and the Dewan's reply thereto.

(6) Representations made at the Fifth Session of the Sri Mulam Popular Assembly by Thomas Mathai (Travancore and Cochin Christian Association, Kottayam), *re* the desirability of separating Devaswoms from the administration of the land Revenue Department and the Dewan's reply thereto.

(7) Representations made at the Sixth Session of the Sri Mulam Popular Assembly by Messrs. A. Harihara Iyer (Chirayinkil taluk,) K. Krishnan Pandalai B. A., B. L., (Quilon taluk), and R. Padmanabha Pillai (Kunnathur taluk), *re* the desirability of keeping a separate account of the income and expenditure of the several Devaswoms in the State and the Dewan's reply thereto.

(8) Representations made at the Seventh Session of the Sri Mulam Popular Assembly by Mr. Earavithayar Pandarathil (Jenmi Member, Quilon Division), on the same subject and the Dewan's reply thereto.

(9) Representations made at the Eighth Session of the Sri Mulam Popular Assembly by Mr. V. Subrahmanyam Muthathu (T. I. C. Thiravalla), *re* the management of Sirkar Devaswoms and the Dewan's reply thereto.

(10) Representations made at the Ninth Session of the Sri Mulam Popular Assembly by Mr. G. Vepkatarama Aiyar (T. I. C. Vaikom), *re* certain defects in the Devaswom reforms and the Dewan's reply thereto

(11) Representations made at the Ninth Session of the Sri Mulam Popular Assembly by Mr. K. M. Sivathanu Pillai (Thovala Taluk) *re* the desirability of handing over to the people the management of Sirkar Devaswoms and the Dewan's reply thereto.

(12) Representations made at the Tenth Session of the Sri Mulam Popular Assembly by Mr. Vasudevan Damodaran Nambudiri (Nominated), *re* certain defects in the G. O. on the re-organisation of the Devaswom Department and the Dewan's reply thereto.

(13) Representations made at the Twelfth Session of the Sri Mulam Popular Assembly by Mr. R. Raman Pillai (Ettumanur taluk), *re* the management of Devaswoms and the Dewan's reply thereto.

(14) Representations made at the Thirteenth Session of the Sri Mulam Popular Assembly by Mr. C. P. Thomas B.A. L.T. (Nominated), *re* the need for the employment of Christians in the Land Revenue Department and the Dewan's reply thereto.

(15) Representation made at the Fourteenth Session of the Sri Mulam Popular Assembly by Mr. Ousep Avira Tarakan (Nominated) *re* the need for separating the Devaswoms from the administration of the Land Revenue Department and the Dewan's reply thereto.

(16) Representations made at the Fifteenth Session of the Sri Mulam Popular Assembly by Mr. Devan Vasudevan Nambiadiri (Jenmi, Kottayam Division), *re* the need for separating Devaswoms from the administration of the Land Revenue Department and the Dewan's reply thereto.

(17) Representations made at the Fifteenth Session of the Sri Mulam Popular Assembly by Mr. Trivikrama Vasudevar (Jenmi, Padmanabhapuram Division), offering certain suggestions for the management of Devaswoms and the Dewan's reply thereto.

(18) Representations made at the Fifteenth Session of the Sri Mulam Popular Assembly by Mr. Eapen Geevargese

(Mavelikara taluk) and fifteen other Members, *re* the need for throwing open the Land Revenue Service to all classes of His Highness the Maha Raja's subjects and the Dewan's reply thereto.

(19) Representations made on the Sixteenth Session of the Sri Mulam Popular Assembly by Mr. K. K. Thomas B.A., B.L. Member (Nominated) and the other members on the same subject and the Dewan's reply thereto.

(20) Representations made by a deputation of the Travancore Civic Rights League on the 28th February, 1920 and the Dewan's reply thereto.

(21) The Memorandum on the separation of Devaswoms and Oottupuras from the control of the Land Revenue Department forwarded by Mr. Krishnan Aiyangar B.A., B.L., now Dewan Peishkar, Trivandrum, on the 3rd June, 1919, at the instance of Government.

The question of separating the administration of Sirkar Devaswoms and Oottupuras from the control of Land Revenue Department has been engaging the earnest consideration of the Government of His Highness the Maha Raja for some time past. Under the combined system of Land Revenue and Devaswom administration which now in force and the origin of which is traceable to a remote past, the non-Hindu and non-caste Hindu subjects of His Highness the Maha Raja are at a disadvantage, in that they cannot be entertained in the higher grades of the Land Revenue Department. Though the number of posts in that Department which are actually closed to non-Hindus and non-caste Hindus is only about 40, it is urged that those posts have to be judged not by their numerical character, but by their relative importance. The claims of all classes of His Highness' subjects, irrespective of cast or creed, to equal opportunities in the public service, have all along been recognised by the State,

and the liberal policy pursued by the Government in this respect has received increased emphasis in recent years. Nevertheless, the reservation of the appointments in the Land Revenue Department referred to above for caste-Hindus has been regarded as a grievance by the communities which are excluded from those appointments. At the Second Session of the Sri Mulam Popular Assembly, a Christian Member requested that the Sirkar Devaswoms might be separated from the land Revenue Department, and since then the question has, from time to time, been brought to the prominent attention of Government of several Sessions of the Assembly by the members of the communities adversely affected by the existing arrangement. A deputation of the Travancore Civic Rights League waited upon the Dewan with a representation on this subject on the 28th February, 1920. Equally note-worthy is the fact that the desire for the management of Sirkar Hindu religions and charitable institutions from the Land Revenue Department is not confined to non-Hindus and non-caste Hindus. Representatives of the caste-Hindu subjects of His Highness the Maha Raja have also urged the need for such separation in the belief that the projected measure would ensure a better administration of the religious and charitable institutions concerned.

2. The policy of the Government has been one of the uniform sympathy with the legitimate aspirations of the non-Hindu and non-caste Hindu subjects of His Highness the Maha Raja in this respect. Government have also felt that, under the present arrangement, the Peishkars and the Tahsildars, with their multifarious duties, are not ordinarily able to pay undivided attention to the administration of Devaswoms. As early as 1063 M. E., the Tahsildars were tentatively divested of the supervision of Devaswoms and Oottupuras, and four Kariakars, one for each Division, were appointed for the direct management of those



institutions in subordination to the Peishkars. This Scheme, however, did not work well, and it was abandoned towards the close of that year. The separation of Devaswoms and Oottupuras from the control of the Land Revenue Department was advocated by the late Mr. Ramachandra Rao in his report on those institutions, but the Government, on financial and other considerations, did not accept his recommendation at the time. (*Vide* G.O. No. D. 4905, dated the 25th October 1912, read above.) Towards the close of 1094 M. E., Mr. N. Krishna Aiyengar, now Dewan Peishkar, Trivandrum, was directed to prepare a scheme for the separation of Devaswoms from the control of the Land Revenue Department, and that officer submitted a report proposing the formation of a separate Department for the administration of Devaswoms and Oottupuras. This scheme was not immediately taken up for consideration, as it was only roughly prepared and stood in need of further elaboration.

**ORDER THEREON, No. D. 952**  
**DATED TRIVANDRUM, 3RD APRIL, 1920.**

The Government of His Highness the Maha Raja consider that the time has now arrived for examining minutely the position of the State in regard to Sirkar Devaswoms, for reviewing in detail the pronouncements made from time to time on this vexed question, for declaring the policy that should be adopted by Government in respect of their administration, and for devising a scheme for the supervision and management of Sirkar Devaswoms and Oottupurrs which will directly have the effect of a more efficient management and supervision of those institutions, while at the same time removing the long-standing grievance of the non-Hindu and non-caste Hindu subjects of His Highness in the matter of their exclusion from the higher grades of the Land Revenue Department. The argument that the Tahsildars of the Land Revenue Department are required for the administration

of Devaswoms will hold good only as long as it is *not* in contemplation to create a superior class of officers, of equal status and prestige to supervise the affairs of those institutions. While the administrative problems connected with the subject demand careful consideration, the question of maintaining the essential features of the constitution of the State with special reference to the ceremonies at the Capital also calls for anxious attention. To consider these and connected questions, Government resolve to appoint a Committee consisting of officials and non-officials, Hindus and non-Hindus, as detailed below:—

*Official Members.*

- (1) Mr. K. Anantanarayana Aiyar, B. A., B. L.,  
Dewan Peishkar, Kottayam. (*President*)
- (2) Mr. R. Krishna Pillai, B. A., B. L.,  
Dewan Peishkar, Quilon.
- (3) Mr. John Kurien, B. A., B. C. E.,  
Executive Engineer, Alwaye.

*Non-Official Members.*

- (1) Mr. P. K. Narayana Pillai, B. A., B. L.,  
High Court Vakil, Kottayam.
- (2) Mr. J. John Nidiri, B. A., B. L.,  
High Court Vakil, Kottayam, and Member,  
Travancore Legislative Council.

The Committee will report on the following specific points:—

- (1) What is the position of the Travancore Government in regard to Sirkar Devaswoms? Is it that of a trustee merely, or one involving greater responsibility, seeing that the Devaswom Land Revenue was long ago merged in the General

Land Revenue, beyond any possibility of separation? Does not this complete merger render the State liable to maintain the Devaswoms concerned, out of the public exchequer, in an efficient condition for all time?

(2) Is it not feasible to separate the administration of of Sirkar Devaswoms and Oottunuras from the control of the Land Revenue Department, consistently with arrangements to safeguard the efficient management of those institutions and to ensure the maintenance of the constitution of the State, especially with reference to the ceremonies at the Capital? If it is feasible, what is the best means of effecting the separation?

(3) If the separation may be effected, is the staff suggested in Mr. Krishna Aiyangar's memorandum, sufficient to administer the affairs of the institutions concerned satisfactorily? Or is it necessary to create any fresh class of officers with better status, and to invest any of the superior officers of the new Department with magisterial or other powers so far as they are necessary for the efficient management of the institutions?

(4) What will be the financial effect of the scheme? Is it feasible to make any saving in the expenditure now incurred on the Land Revenue Department, consequent on the formation of the new Devaswom Department, and, if so, to what extent?

(5) What is the specific arrangement that should be made for the execution of Maramath works in respect of Sirkar Devaswoms and Oottunuras? Is it feasible to detail any portion of the Divison Maramath staff for that work?

The head-quarters of the Committee will be Kottayam. The Committee should immediately arrange for a preliminary meeting being held and their programme of work settled. The President is requested to submit proposals for his office staff. A period of three months is allowed for the deliberations of

the Committee, and it is expected that their report will reach the hands of Government before the 1st Karkadakom, 1095. The non-official members of the Committee will be eligible for mileage at the rate of chuckrams (14) fourteen and daily allowance at the rate of Rs. (5) five for all journeys that may be undertaken by them as Members of the Committee. The official members, including the President, will be paid the usual rates of travelling allowance for which they are eligible under the Service Regulations. The attention of all Heads of Departments and Offices is invited to this G. O. and they are requested to supply all available information to the Committee on requisition from them.

By order,  
N. RAJARAM RAO,  
*Chief Secretary to Government.*

## QUESTIONS

1. Define Sirkar Devaswoms and classify them?
2. How many incorporated Sirkar Devaswoms are there?
3. How many of them come under the category of Ezhuthitheeruva Devaswoms and how many under Non-Ezhuthitheeruva Devaswoms?
4. Is there any fundamental distinction between Ezhuthitheeruva and Non-Ezhuthitheeruva Devaswoms? If so what is it?
5. Is the assumption that the Non-Ezhuthitheeruva Devaswoms had no endowments belonging to them at the time of their incorporation, correct?
6. What is the extent of the lands owned by the Ezhuthitheeruva Devaswoms and what is the revenue accruing therefrom?
7. Is it possible to identify the lands belonging to each incorporated Devaswoms?
8. Under what circumstances were the Devaswoms assumed by the State during the administration of Col. Munro?
9. What is the exact scope and significance of the assumption? Did the State thereby become a trustee of these Devaswoms or did that step amount to an act of confiscation on the part of the State? Did it affect the rights of the Devaswoms concerned to the lands taken over by the State? Can you throw light on the terms and conditions of the said assumption by reference to any available documentary evidence?

10. Have there not been cases of assumption of Devaswoms by the State prior and subsequent to Col. Munro's administration?

11. Do the various Devaswoms assumed at different periods stand on the same footing so far as their relation to the state is concerned? If not, in what respects do they differ?

12. If the State is a trustee, does the position hold good in respect of each Devaswom?

13. Inasmuch as the State apparently paid no attention to specifically appropriate or keep separate the incomes of each of the Devaswoms either at or subsequent to their assumption and seeing that the properties cannot now be traced specifically to each institution, is it possible to establish that the State is a trustee in respect of any particular institution?

14. If the State cannot be treated as a trustee with regard to each Devaswom, would it be correct to maintain that the State is a trustee for all the Devaswoms collectively, the trust properties being viewed as the properties of the Devaswoms taken in aggregate?

15. What are the rights and liabilities of the holders of Sirkar Devaswom lands?

16. How have they been viewed and recognised by the State?

17. Were these lands ever treated differently from ordinary Sirkar lands?

18. Is the attitude on the part of Government in this respect in keeping with the theory of trust?

19. If the theory of trust is accepted, by whom was the

State constituted a trustee or is the State in the position of a trustee *De-son-tort*?

20. If the position of the State with reference to the Devaswoms is different from that of a trustee, what is it exactly and what are the rights and duties incidental to such position?

21. Was the assumption of the Devaswoms by the State made in the exercise of its Sovereign powers?

22. Is the position of the Devaswoms with regard to the State analogous to that of the established church in England?

23. In any view of the relation between the State and the Devaswoms, is not the State bound to maintain the Devaswoms efficiently out of the State Revenue, in view of the obligation undertaken at the time of their assumption?

24. Even apart from the obligation referred to above, is not this State in virtue of its constitution as a Hindu State, bound to maintain these institutions?

25. What is the bearing of the Thripadidanom of 925 M. E., on the constitution of the State?

26. Is it absolutely impossible to separate the Devaswom Revenue from the General Revenue?

27. Do the Oottupuras and Devaswoms stand on the same footing as regards the obligation of the State to maintain them?

28. Does the management of the Devaswoms and Oottupuras under Government control stand in need of improvement? If so, in what directions?

29. What measures would you suggest to make the management of these institutions efficient and satisfactory?

30. Will the organisation of a separate department be conducive to the achievement of the object in view ?

31. What are the duties to be entrusted to the Department to be organised ?

32. Is it feasible or desirable to transfer the administration of the Devaswom Land Revenue (including collection) to the new Department ?

33. Will not such an arrangement necessitate a duplication of the collecting agency ?

34. Is such a step necessary ?

35. Is it financially sound ? If so, will the arrangement be efficient from the standpoint of the Devaswoms ?

36. If the separation of the Devaswom Department is necessary, what staff would be required ?

37. If you consider the management of Devaswoms by Tahsildar-Magistrates requires improvement, do you think that an officer of higher status and prestige would be able to do the same work better ?

38. What powers should be conferred on the new staff ?

39. Is it necessary or desirable to confer magisterial powers on any officers of the new Department ?

40. If so, on what class of officers and what power should they be allowed to exercise ?

41. How should the supervision of the religious services conducted at State expense outside the State be provided for ?

42. What will be the financial effect of the scheme ?



43. Do you expect by organising a new Department to derive advantages proportionate to the additional expenditure?

44. What is the extent of saving that could be effected in the Land Revenue Department by the transfer?

45. Is it possible consistently with efficiency to reduce the Revenue Divisions of the State from 5 to 4 by amalgamating the Trivandrum and Padmanabhapuram Divisions into one? Is there no room for further retrenchment? If so, in what directions?

46. What will be the saving effected by such amalgamation?

47. What arrangements should be made for the execution of the Maramat works connected with Devaswoms?

48. What is the existing Maramat staff?

49. Is it feasible to transfer a portion of the staff to the new Department?

50. If so, what portion?

51. What steps can be taken to secure architectural purity of design in the construction, reconstruction, renovation and repair of temples?

## STATEMENT OF THE CASE.

1. Before the year 987 M. E., there were many Devaswoms which were wholly or partly under State control. Some of them had been founded and endowed by the State, some, with their undowments, were assumed along with conquered territories and some others were acquired under treaty rights. There were also Devaswoms under the managment of Ooralers to which the State was making contributions by way of offerings. The total expenditure in connection with these Devaswoms was before 987 M. E., about Rs. 2 to 3 lakhs. It is not possible to know now what exactly was the income from the Devaswoms under State control.

2. About the year 987 M. E., Col. Munro was the Dewan Resident of Travancore. He found that the Devaswoms in the State were being neglected, the rents were not properly collected, the Pujas and other ceremonies were not regularly performed, and that the temple buildings were in a state of disrepair. He therefore directed their assumption in 987 M. E., and entrusted the administration of their affairs to the Land Revenue Department. The number of the Devaswoms so assumed along with the number already under State control was 1567. The Colonel also appointed a Committee of officials and non-officials to revise the scale of expenditure for all these Devaswoms. The Committee fixed a scale for 1147 Devaswoms and they omitted 96 from the list. According to the abstract statement of accounts for the State for the year 987 M. E., the income of all these Devaswoms amounted to 15,80,000 parahs of paddy and about Rs. 50,000 in cash (A parah is equivalent to 8 Madras Measures.)

3. The income from the Devaswoms was subsequently incorporated with the general revenues of the State. In successive Settlements a good portion of Devaswom lands were treated as Pandaravaga (Ayan lands) and registered in the name of holders (who, it may be observed, belong to different classes) with the result that large portions of the Devaswom lands have now become incapable of identification and separation. Even so early as 1048 i. e., about sixty years after assumption, Dewan Sir Seshiah Sastri in his Administration Report for 1048-1049 M.E. said that the State was a trustee with reference to the Devaswoms and when he was asked by the British Government whether the Devaswom Revenue could not be separated from the general revenue he replied "There is no objection, of course, if it could be done, but inasmuch as the collections from the Devaswom lands are treated like and mixed up with the collections from non-Devaswom lands, the former could not be shown apart from the latter". He also added, "Moreover, the lands adverted to in para 248 of my report, do not form all the Devaswom lands assumed by the Sirkar." Fifty years have elapsed since then and the difficulty, if anything has been considerably enhanced by the current Settlement.

4. With a view to place the management of the Devaswoms and Oottupuras (feeding houses) on more satisfactory basis and to have scale of expenditure with reference to them revised, Mr. M. K. Ramachandra Rao, a Puisne Judge of the High Court, was deputed by Government in 1907 to investigate the conditions of the above mentioned institutions and submit a report. He submitted a report in 1908 on which proceedings were duly passed by Government on the 25th October 1912. The conclusion which the Government arrived at was to separate as far as possible the Devaswom lands from Pandaravaga lands and thus separate the Devaswom revenue

from the general revenues. The conclusion may be stated in Sir P. Rajagopalachari's own words. He said in the proceedings "The Government would, however mention, that it is not now their intention to make any change, either in the tenure or in the assessment of the Devaswom lands. They recognise that the settlement of the Devaswom lands already made, cannot be disturbed for the balance of the Settlement period. But when the next settlement is taken up it will be the duty of Government so to regulate it in regard to the Devaswom lands that the Devaswoms should get the full revenue due to them. The Government will bear in mind that their position in regard to Devaswom lands is fundamentally different from their position in regard to Sirkar lands." In pursuance of the above proceedings Devaswom lands were attempted to be identified and the revenue from such lands as have been identified now amounts to about 4 lakhs of rupees.

5. The above proceedings did not satisfy many communities. Caste Hindus alone are allowed to enter into and worship in the temples. Likewise for obvious reasons caste Hindus alone are drafted into the service of the Land Revenue Department. They complain that all the lands have not been and could not be traced or identified. Again, while the income from the Devaswoms was about 16 lakhs of paraahs of paddy which, if commuted at the calculated average for the last 17 years *viz.*, 14 as. per parah, will come to about 14 lakhs of rupees, the income now found is only about 4 lakhs. The other communities complain that while the Government admit only an income of about 4 lakhs the expenditure has risen up to 15 lakhs of rupees

6. If the above proceedings are duly given effect to they are likely to operate to the detriment of all classes of His Highness's subjects holding Devaswom lands. These lands were treated by Government as Sirkar lands, the subjects considered them as

heritable and alienable and the assessment was in accordance with the rates in vogue for Sirkar lands.

7. Subsequent to the passing of the above proceedings the controversy between caste Hindus and other communities has become more acute and both the parties have been pressing in the Popular Assembly for the separation of the Devaswoms from the Land Revenue Department. The caste Hindus complain that the income from the Devaswoms is more than enough for their maintenance and the Government are appropriating the surplus for their own use. They also say that the Land Revenue Officers are not owing to their heavy and multifarious duties, in a position to attend to the management of the Devaswoms properly. The other communities, on the other hand, contend:—

- (1) that the Devaswoms are now being unnecessarily maintained out of State funds and therefore their expenditure should be cut short ;
- (2) that Ezhavas and other communities should be allowed the right of entry and worship in these temples as they are maintained wholly or partly out of State funds; and
- (3) that they are denied equality of civic rights in an important branch of the State service by being denied admission into the Land Revenue Department.

8. With a view to take the necessary action in the matter, a Committee consisting of officials and non-officials—Hindus and Christians—was appointed in 1920 with directions to report on:—

- (1) the relations between the State and the Devaswoms, and
- (2) whether it is not feasible to separate the administration of the Devaswoms from the Land Revenue Department.

9. The Committee has unanimously reported that the administration of the Devaswoms may be separated from the Land Revenue Department and that the same may be placed under a separate new department.

10. With regard to the relation between State and Devaswoms the Committee is unanimously of opinion:—

- (1) that the Devaswoms were not confiscated by Colonel Munro ;
- (2) that the object of assumption was the better management of the institutions ; and
- (3) that by the merger of the Devaswom revenues with those of the State, the Government have incurred an obligation to maintain them efficiently for all time to come.

11. The members of the Committee differ, however in one respect. The majority hold that the State is the Sovereign proprietor of the Devaswoms and therefore accountable to none and that the State is under an absolute obligation to maintain the Devaswoms in an efficient condition. The dissenting member is of opinion that the assumption was only of the management, that the State has in consequence constituted itself a trustee, that the State is under a legal obligation to maintain the Devaswoms, and that, as the trustee has mixed up the trust property with his own, the expenditure in connection with the Devaswoms is a valid charge upon the general revenues of the State.

12. The dissenting member bases his conclusions mainly upon the following grounds:—

- (1) Colonel Munro assumed the administration of the Devaswoms only with a view to their better management. (Vide the translation of the communications of Col. Munro in 987 hereto appended).

- (2) That the assumption was in exercise of the Melkoima right vested in the Sovereign.
- (3) His intention was to keep separate such properties, as he called for an inventory of the movables and immovables, and as the revenue of the Devaswoms was separately mentioned in the State Ayacut accounts.
- (4) The abstract accounts for 996 show that lands were newly purchased for the assumed Devaswoms from the Devaswom funds.
- (5) Even in the current settlement the distinction between Devaswom and Pandaravaga (Sirkar) lands has been kept up.
- (6) The Pandarapattom lands (Ryotwari) were originally resumable at will. They were enfranchised by a Royal Proclamation of 1040 and a permanent, heritable, and transferable right was conferred upon the holders of such lands. This Proclamation was held not to apply to Devaswom Pattom lands. The Travancore High Court has held that this Proclamation does not apply to Devaswom lands as they were trust property in the hands of the State (Vide 15 T. L. R. 184, 22 T. L. R. 54, and 6 T. L. J. 339)
- (7) Successive Dewans have admitted that the State is a trustee, and Mr. Ramachandra Rao also is of the same opinion.

13. The majority, however, think that the Sovereign is not a trustee. Their grounds are as follows :-

- (1) The order of assumption does not impose any condition of trust.

- (2) The Devaswoms under the management of Ooralers were very rich. The vast accumulation of property under their control made them a very powerful factor in the State. The assumption was therefore an act intended to do away with their power as otherwise they would have made the Sovereign power a mere shadow and a name.

(N. B.) This may appear to be inconsistent with their finding in para 10 (2) and with the express finding that there was no confiscation. Perhaps they mean that though the avowed object was the better management of Devaswoms, the real motive of Colonel Munro was to put down the power of the Ooralers.

- (3) There are many institutions assumed by Col. Munro which had no property of their own and without trust property a trust cannot be constituted.
- (4) The attitude of Government towards the Devaswoms does not show that the expenditure in connection with the same was made to depend on the income derivable from them.
- (5) In certain cases where the State wished to be a trustee, e. g., Pattazhi and Thuravoor Devaswoms, assumed since 1937 the accounts have been separate. With regard to the Devaswoms in question income has been incorporated with the general revenues of the State, thus showing that their intention was otherwise.
- (6) The reported cases of the Travancore High Court which hold that the State is only a trustee are not of much use as the question at issue now did not



really arise in these cases and the views expressed are only *obiter*.

- (7) The Devaswom properties have, in spite of the observations of the High Court, been treated as Pandaravaga properties, the tenants of the former being allowed the same privileges as those of the latter and the principle of assessment is the same with reference to both the classes of properties.
- (8) With regard to the Devaswoms in Cochin assumed by: Col. Munro under similar circumstances and contemporaneously the Cochin Government have declared that they are the proprietors of the Devaswoms.

14. As has been already pointed out the Committee is unanimously of opinion that there is *an obligation* upon the State to maintain the Devaswoms efficiently and that the Devaswoms may be placed under the control of a new department, the Land Revenue Department being relieved of such duty. When an obligation is admitted, it may be, that even if the Sovereign be a trustee, the subject may not have a right to enforce the trust against him as He being "The fountain of justice may be expected to do justice."

15. It has anyhow become necessary:—

- (1) to disabuse the public of the impression that the Devaswoms are being maintained out of State funds;
- (2) to recognise the obligation of Government to maintain the Devaswoms efficiently;
- (3) to announce that effect will not be given to the Proceedings of Government of 1912 and that the Devaswom lands will in future be treated as Pandaravaga lands; and

- (4) to provide that the State shall not be held accountable to its subjects with reference to the administration of these Devaswoms.

16. It is intended that the above points may be made clear by a Royal Proclamation to be issued by His Highness the Maharaja. There is no doubt a Legislative Council in the State. But as the obligation to maintain Devaswoms has to be solemnly recognised by the Sovereign himself, it is only in the fitness of things that the declaration should proceed from the same quarter. A draft of the proposed Proclamation is appended. The question referred for opinion whether the draft is all right or whether it requires any modifications and if so what.

11 Kesava Perumal  
Sammadhi Street,  
Mylapore, Madras.  
19-11-'21.

Dear Sir,

I arrived here on Thursday (17th) morning. I saw the Advocate General Yesterday. As he could not find time yesterday I went to him again this morning. We had a discussion over the matter. He thinks that the State having taken up the management of the Devaswoms and appropriated their income without accounting to any body it owes a duty to these Devaswoms to say definitely in the Proclamation what percentage of the revenues will be allotted for their expenditure. It is open to the Government to fix any percentage but some percentage should be fixed. The advantages of fixing a limit are according to him the following:—

(1) A Legislative Council on democratic lines having been constituted and matters relating to Devaswoms having been taken away from the cognisance of the council it is open to the Government to allot any amount out of the revenue to the Devaswom and the Council cannot question the same. This is not fair to the Council.

(2) The Government are empowered to revise the scale of expenditure and there is nothing that could prevent them from increasing or reducing the scale of expenditure. In the former case it will meet with the disapproval of the communities not benefited by the temples and in the latter case the caste Hindus. In any event it is likely to dissatisfy some sections of His Highness's subjects.

(3) When the right of civil suit is to be taken away from the subjects by the Proclamation there should be some

guarantee that a definite sum will be spent on Devaswoms and this amount should not like the Chancellor's Government, be left to vary and to be arbitrarily interfered with by the Government of the time.

(4) As far as possible the declaration of the obligation intended to be made by Government should correspond with what a Court of law would decree in the case of a private trust. If a trustee mixes up the income of the trust along with his and when questioned about it by a Court says that then alone he will manage the trust efficiently out of his Estate the Court will not be satisfied with such an offer but would insist upon a definite amount being allotted. In a solemn act of the Sovereign viz., a Proclamation it is not desirable that there should be anything which, if allowed to be tested in a Court of law, would be likely to be found unreasonable.

He is therefore of opinion that we should fix some proportion of the income taking into consideration the proportion which the Devaswom income owe to the total revenue or to the land revenue in 1937 or the average percentage of expenditure for a certain number of years. While the discretion of the Government to spend the amount may be unfettered all parties concerned should have an idea as to what it is that will be spent towards the Devaswoms.

I know your view is that the Government should have a discretion to spend any amount they like to revise the scale of expenditure in any way they like and that the expenditure towards Devaswoms that cease to exist should be curtailed. I placed these points before him. He thinks that it is only fair that the expenditure with reference to a Devaswom that has become obsolete should be curtailed. He does not agree to the other points.

To my mind there seems to be considerable force in the argument. We are trying to rectify a mistake that was done by

mixing up the State properties with those of the Devaswoms. Though in Cochin under the orders of Col. Munro the Devaswoms were assumed by the State yet, as a matter of fact, the income has been kept separate and the accounts have kept separate. We have not done so. There is no doubt that Government were in the wrong. After having made the properties impossible of identification is it fair to say that we will manage the institutions in the best way we can and those who are benefitted by the Devaswoms should accept our pious wishes and be satisfied? The Proclamation marks a new Era in the history of the Devaswoms and it is only just that we should make the position of the Devaswom clear. In view of the communal fight that is going on every where what guarantee is there that the Government will not be forced, in time to come, to yield to the will of the majority of the people and reduce the scale of expenditure to a nominal amount. To my mind there could be absolutely no objection to our definitely that not less than or not more than a certain percentage of the revenue will be spent on account of the Devaswoms. The figure may be determined later on after calling for the necessary information and we may fix any minimum. If the above proposal is acceptable to you I shall have the draft revised accordingly. I shall thank you to wire to me on Monday.

I will see the official assignee on Monday next and enquire how the matters of the Law Printing House stand and what action we should take to realise our money.

Yours Faithfully,  
(Sd.) V. Subbaiyer.

P. S.

Mr. C. P. Ramaswamy Aiyar, has promised to discuss the matter again tomorrow and then record his opinion. The draft

Proclamation is not likely to be acceptable to the caste Hindus in view of Mr. T. K. Velu Pillai's open letter and the articles in the newspapers. The amount of expenditure may be varied by the Executive and there is no right of suit. These two provisions are likely to be commented upon adversely. If we fix the proportion it is likely to satisfy them. The other communities won't object in view of the fact that the Devaswoms are to be separated from the Land Revenue Department and the latter thrown open to all communities.

### OPINION.

The question that has been propounded to me is dependent for its solution on the constitutional and legal aspects of the draft Proclamation proposed to be issued by His Highness the Maharaja. Apart from what are styled the Melkoima rights appertaining to sovereignty in Malabar and Travancore, there does not seem to be room for doubt that the Hindu sovereign was not entitled to resume to himself or confiscate property dedicated for public, religious or charitable purposes. It is needless to dwell on this matter at any length because from the very nature of the topic the authorities are vague and merely enunciate maxims of imperfect sanction. Neither in regard to private property as such nor a *fortiori* in regard to trust property did the ancient Hindu Kings exercise any right of resumption or confiscation though it appears from a passage in Koutilya that an ultimate privilege was recognised enabling a King in actual and dire need to utilise movables belonging to endowments. (Vide Koutilya's Arthasasthra, Bk. III, ch. 2 v. 242).

Turning now to the Melkoima rights, the decision of the Judicial Committee of the Privy Council in 18 Madras, p. 1, practically adopted in its entirety the judgment of Mr. Justice Muthuswami Iyer and Mr. Justice Best in 14 Madras 153. In the latter judgment, both the conflicting theories about the scope and

extent of the Melkoima right have been discussed. It is manifest that though, as observed by Mr. Justice Best in 12 Bombay 260, the Rajahs regarded as a heinous offence the appropriation to secular purposes of an estate dedicated to pious uses, yet the State in its executive and judicial capacities intervened in dealing with fraud and waste in regard to religious endowments. The analogous rights of the Rajah of Tanjore are hinted at in a case reported in 5 Madras High Court Reports at page 53. As stated in the judgment in 14 Madras, one of the theories of the Melkoima right is that it is a right of superintendence and an incident of sovereignty *pro tanto*. I do not think that either on the materials before me or in the cases to be found in the India Reports nor even in the dicta in the text books is there any foundation for any jurisdiction exercisable by the Hindu Sovereign of resumption perpetuo. Of course, in the present case, the assumption was not under any statute though a Regulation of 1079 legalised such assumption. Whether technically, the Devaswom Separation Committee's opinion at page 11 of their Report is correct or otherwise as to the Trusteeship of the State, I cannot agree with them that the Institutions passed unconditionally to the hands of the Sircar nor do I understand the exact meaning of the expression Sovereign Proprietor used by the Committee. I am inclined to agree with the Minority Report on this matter (Vide, pp. 54 & 55). But as the Committee observe, the point is academical in view to the considerations summarised at the page 12 of the Report.

I am not here dealing with such direct Acts of the State as occurred in the reign of Henry VIII in England whereby at the dissolution of the monasteries and ecclesiastical houses, their properties were transferred to the Crown. It may be observed that such transfer was confirmed by Statute (Vide, 27 Henry VIII, ch. 28, sec. 2; (1535 A.D.); and also 31 Henry VIII, ch. 13, sec. 2 (1539 A.D.), which provided that the King should hold, possess

and enjoy their possessions in as large and ample manner and form as the religious houses had held them and that grants by the King's Patent of any of the lands of the Monasteries, etc. and other hereditaments should be good and effectual against the King and his successors without any other license or dispensation. The analogy between such an Act of State as was initiated by Henry VIII and what happened in Travancore is very remote ; but as happened on various occasions in England so also does it appear to have happened in Travancore that in 987 M. E. the State intervened for the purpose of preventing mismanagement and took charge of the trust properties avowedly for carrying out the purpose of the Endowments. The circumstance that some temples had no properties is not decisive by any means. Even under English law, there is no question that a Sovereign may be a trustee so far as regards the capacity to take the estate as much and to execute the trust. The difficulty that arose in England in such cases was really the manner and the scope of the enforcement of the liability of the Sovereign as Trustee. In Lewin on Trusts, 12th Edn. at page 29, the position is thus described. "The right of the *cestui que* trust is sufficiently clear, but the difficulty lies in the remedy". The subject's remedy was only an appeal to the Sovereign by presenting a Petition of Right. In Perry on Trusts, Vol. I, para 40, the doctrine is thus enunciated: "There is a difficulty in every country in executing judgments and decrees of a court against a Sovereign power of the country for the arms of equity are very short against the prerogative (citing Hardwick page 467). The subject may have a clear right but no remedy either in law or equity against the Crown. The manner in which such difficulties have been surmounted in practice in England is by seeing to it that if trust property vests by escheat or otherwise in the Crown, the King grants it to Trustees for the purpose of executing the Trust. It is unnecessary to do more than to refer to the Statutes by which such a process takes place (Vide 39 & 40 George III, ch. 88; and 4 and 5 William IV, ch. 23) and to



indicate the control of the Court of Chancery which was later on affirmed (Vide, 14 Vic. ch. 60.)

The first position therefore at which I arrived is that the exercise of the Melkoima right was at no time intended to effect not did it effect a confiscatory resumption of the Devaswoms, but it must be taken that what happened in 987 M. E. was really the assumption of the Trusteeship or superintendence of these Devaswoms by the State which, in this matter, purported to exercise the traditional rights of Hindu Sovereigns in general and of Malabar Sovereigns in particular. The next question is how to face the situation that has arisen owing to the absorption in the general revenues of the Devaswom Properties and income and the treatment of the property of the Devaswoms as Pandaravagai lands. According to the equity doctrine, if a person who undertakes (as the State in this case explicitly or impliedly did undertake) to keep the property of another distinct but mixes it with his own, the whole must, both at law and equity be taken to be the property of the other until the former puts the subject in such circumstances that it may be distinguished as satisfactorily as it may have been before the unauthorised mixture on his part (Vide, *Lupton vs. White*, 15 Vesey Senior, p. 432, per Lord Chancellor Eldon; 28 Halsbury, p. 208 para 416; and 1903, II Chancery, p. 356).

In the language employed in Lewin on Trusts, page 1152, though the identical pieces of trust money mixed with the trustee's money cannot be ascertained, yet as there is so much belonging to the trust in the general heap, the *cestui que* trust in entitled to take so much out. Under the Indian Trust Act which, no doubt, is not strictly applicable to public, religious or charitable trusts, the doctrine is laid down in a modified form and section 66 of the Trusts Act (Act II of 1882) provides that where the trustee wrongfully mingles the trust property with his own, the beneficiary is entitled to a charge on the whole fund for the amount due to him.

In solving this problem, the motive for the mixing up of trust and other funds is immaterial and it is not a condition precedent to the application of the doctrine that the object must have been 'wrongful' in the moral sense.

If this principle is borne in mind, it seems to me that the Proclamation needs modification. In the first place, the statement as to the income derived at the time of the assumption is, in view to the inevitably modified circumstances of the present day, not decisive of any of the matters for determination. The only use I would advocate should be made of that circumstances is to ascertain what relation or proportion that income bore to the total Land Revenues of the State at the time of assumption. If it is recognised that the original Devaswom properties have become incapable of identification and separation and if, moreover, it is clear that the conversion into Pandaravagai tenure of all lands is the most feasible course to be adopted from the point of view of the occupiers and ryots, the only logical outcome of these theories is that it is the function and the duty of the State to set apart for the upkeep of the Devaswoms that proportion of the total Land Revenue which the Devaswom properties, according to the calculations at the time of the assumption bore to the aggregate Land Revenue at that time. It is needless to say that there may be considerations which would lead to the fixation of a different proportion. All that I desire to urge is that *some* proportion should be arrived at. To adopt such a course has firstly the advantage of putting the Devaswoms and their rights on an understandable and definable legal basis, the Sovereign frankly accepting the trusteeship and endeavouring as best he can under present circumstances, to effect a separation of trust property from other properties without prejudicially affecting the tenure of ryots and introducing an element of uncertainty in the matter of their title. The Proclamation as drafted merely lays down the duty and obligation of the Government to

administer the Devaswoms in accordance with usage and efficiency—  
The drawbacks of these proposals are as follows:—

- (1) The State constitutes itself, if I may use that phrase, judge in its own cause.
- (2) There is no certainty or definiteness in the matter of the revenue to which the Devaswoms can look forward from year's end to year's end.
- (3) The relations between the Devaswoms and the State can be classed under no definite legal category.
- (4) The Civil Courts will be precluded in many ways from adjudging as to the efficient management of the Devaswoms.
- (5) It is left solely to executive discretion to allocate monies for Devaswom purposes and to revise schedules from time to time.

This means, in the first place, that the Devaswoms would have no remedy if their wants are under-estimated; but even this objection does not seem to me so formidable as the next which I may formulate thus: I take it that the State of Travancore is embarking on a constitutional experiment akin to that inaugurated in British India. The annual Budget of the State is to be laid before representatives of the people sitting in Council. The procedure contemplated by the Proclamation would not only negative any right on the part of the Legislative Council to discuss the Devaswom allotments but only a truncated control over expenditure can be constitutionally exercised if there is an indefinite and indefinable charge on the revenues whose extent may vary in theory from year to year and whose details are beyond the scrutiny of the Council.

In view to all these considerations, I think the objects that the Durbar has set before itself will be best attained by allocating

a fixed proportion of the Land Revenue of the State to Devaswom purposes. Such a course would be consistent with the expressed intentions of the Durbar as to the benefits to be conferred on the subjects of the State by the conversion of all lands into the Pandaravagai tenure and would be further consistent with the ideas expressed in the documents before me as to recruitment into the Revenue Department. Of course, it will be noticed that this will not interfere with the organisation of the Devaswom Department or the other matters referred to in Paragraph 5 of the draft Proclamation.

(Sd.) C. P. Ramaswami Aiyar,  
 Advocate-General.  
 20-11-1921.

## OFFICE NOTE ON THE ADVOCATE GENERAL'S OPINION.

The draft Proclamation drawn up as per the report of the Devaswom Separation Committee with the connected papers having been referred to the Advocate General, Madras. Mr. C. P. Ramaswamy Aiyar, has agreed with the minority report and recorded the following opinion with special reference to legal and constitutional aspects of the Proclamation and has forwarded draft of another Proclamation. Apart from the Melkoima, a Hindu Sovereign has no right to confiscate properties dedicated for public, religious or charitable purposes. Melkoima rights extend only to interference for purposes of preventing fraud and waste. The exercise of the Melkoima rights by Government was at no time intended to effect nor did it effect a confiscatory resumption of the Devaswoms. What happened in 987 was really the assumption of their trusteeship or superintendence. According to the doctrine of equity, if a person who undertakes to keep the property of another distinct, mixes it with his own, the whole must be taken to be the property of the other until the subject is put in such circumstances that it may be distinguished as satisfactorily as it may have been before the unauthorised mixture. Hence, as the Devaswom income has been absorbed in the general revenues and the properties treated as Pandaravagai with no possibility of identifying or separating them, it is the duty of the State to set apart for the upkeep of the Devaswoms that portion of the total Land Revenue which the Devaswom properties according to the calculations at the time of the assumption bore to the aggregate Land Revenue at that time. It is needless to say that there may be considerations which would lead to the fixation of a different proportion. It is therefore urged that *some* proportion should be arrived at.

The following calculations are made to ascertain that this proportion ought to be: —

Annexes X and Y are statements showing the expenditure under "19 Devaswoms" and "20 State Charities" for the last five years. The expenditure under Japadakshina in annex Y scientifically falls under item "Devaswoms." Hence, for the purpose of arriving at the correct Devaswom expenditure, this item in "20 State Charities" has been included therein. Owing to high prices the expenditure in 1095 as found in annexes X and Y may be taken to be typical except for the years during which the Murajapom ceremonies have to be performed. Basing calculation on the figures of 1095 for the future, the following may be taken as showing the amounts required under various items of expenditure connected with the Devaswoms.

1. Major and Minor Devaswoms ....	12,00,000
2. Grants to private temples ....	50,000
3. Sripandaravaga ....	2,55,000
4. Extra-ordinary expenditure ....	25,000

The expenditure on Maramath in annex X is taken from the Administration Report for the last five years. It includes the expenditure for Palaces also. A separate statement prepared by the P. W. Section for Devaswom Maramat alone is put up as annex. P. This does not include the establishment charges for which the Devaswom separation committee has set apart, after calculation, Rs. 19,044 per annum against a total grant of Rs. 2,95,000.

5. Maramath works ....	3,50,000
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2. For the four ceremonies of Utsavam and Bhadradeepam in the Padmanabhaswami temple.
3. For Maramath works in the temple buildings, Kalasam ceremonies, &c.
4. Easwaraseva.

The total expenditure on this account was Rs. 2,74,800 or Rs. 2,75,000 in round figures, the Pathivu for the above being considerably more.

The origin of this expenditure has not been investigated either by the late Mr. Ramachandra Rao or by the Devaswom Separation Committee. But the expenditure might have been incurred by virtue of its being a Hindu State from the grain share in excess of the rates sanctioned by Sastras ( $\frac{1}{2}$ ,  $\frac{1}{3}$ , or  $\frac{1}{4}$ , according to the quality of the soil) collected as land revenue. In this connection, Baden Powell in his land system in British India (Vol. I—p. 265—1892 Edn.) while discussing the ancient authorities regarding the King's share in the produce of lands refers to the division thus:—

"Half including straw to the cultivator and the remaining half was made into three shares, one of which went to the King, one to the over-lord or the proprietor of the village, and one to Priests and religious classes; but the latter the King also took on the plea that he supported the priests."

The Thrippadidanam dedication has only accentuated the Hindu character of the State. As the bulk of this contribution was in paddy and as the commutation rate has increased from 5 chs. fixed in that year to 6 times, the original contribution may, with propriety, be put down as the present day value of the contribution. Nevertheless, the original sum alone is included in the calculation

Item No. III. *Perpetual Annuity on account of unspent balance of Devaswom Funds with Government in the past years.*

The task of finding out the profit which the State derived by the assumption of Devaswoms and their properties is a difficult matter. It is attempted in Annex. C. This Annex. shows that up to 1052, the Devaswom was the creditor and that only recently when the merger of the Devaswom with the State Revenue has become complete has it become a debtor. The earlier figures have therefore been taken as representing the correct state of the accounts. The Thirattus from 987 to 991 E, F, G, H and J show that the Maramath expenditure on account of Devaswoms has been included in the Devaswom expenditure in the earlier years. The profit to the State in the earlier years was never less than one and a half lakhs of rupees. The Sirkar was deriving this profit for 110 years. Against these, Mr. Ramachandra Rao has put down such profit at a lakh of rupees a year for a century. And this figure is accepted in this note. Worked at compound interest this profit is sufficient to give a perpetual annuity of Rs. 12,80,290 (vide Annex. D). As, however compound interest was not contemplated at the time of the assumption, it may be unfair to the general tax payer to charge it at present. Hence 3 per cent. interest on the capital gained viz., a crore of rupees, or 3 lakhs of rupees yearly, is taken as the value of this claim.

Item No. IV. *Compensation for treating the Devaswom Properties as Pandaravagai.*

Mr. Ramachandra Rao has on page 111 of his report on Devaswoms calculated that, had the Devaswom lands not been improperly mixed up with Sirkar lands in the accounts as per general increase brought about by the recent settlement, the general excess over the figures for 997 would have given 18 lakhs



of paras of paddy and Rs. 80,000. This, when calculated at the rate of one rupee per para which Government is now paying to the paddy contractors, works up to Rs. 18,80,000. Besides this, Mr. Ramachandra Rao has calculated a loss of Rs. 3,300 for Devaswoms on account of the enfranchisement of Viruthies and Inams. Adding this, the revenue to Devaswoms as per the settlement ought to have been Rs. 18,83,300. Of this, Rs. 9,50,000 have been included in the Devaswom Land Revenue (item No. 1). Therefore, the compensation which the State has to pay would according to Mr. Ramachandra Rao, come to Rs. 9,33,300.

But the increase by the revision of tax at the Government rates is not the full loss sustained by the Devaswoms on account of Devaswom Lands being treated as Pandaravagai. This question having been discussed in detail in proceedings of the Government regarding the re-organisation of Devaswoms during the regime of Sir P. Rajagopalachariar, it has been ruled that, when the next settlement is taken up, it will be the duty of Government so to regulate it in regard to the Devaswom Lands that the Devaswoms should get the full revenue due to them, and that the Government would bear in mind that their position in regard to Devaswom Lands is fundamentally different from their position in regard to Sirkar lands. The position referred to is the Jenmoms rights of the Devaswom Lands including the rights for renewal and levy of periodical and other dues such as Utsavakoppu, Attavishesam, Ashtabandhakalasam, &c., substantial sources of income when the nature of expenditure in Devaswoms are considered — which the Devaswom Separation Committee do not recommend to re-inforce. The proportion which these and other levies which the Devaswoms could have secured if their lands were not treated as Pandarapattom would have been twice the rates levied by the Sirkar. 60 per cent—addition to the rates of pattom taken as Sirkar dues are the rates of pattom of the Jenmies in Kana-pattom lands. As the lands of the Devaswoms are mostly

Venpattom this calculation of double the rates is, none too sanguine. (Vide Annex. M.) Calculating at this rate, the income from the Devaswom Lands should have been Rs. 37,66,600. Deducting Rs. 9,50,000 on account of the Devaswom Land Revenue, the compensation awardable for treating the temple lands as Pandaravagai would be Rs. 28,16,600.

The total of the four items referred to for which alone particulars, however meagre, are available comes to Rs. 43,41,600 as shown below:—

1. Devaswom Land Revenue ....	Rs. 9,50,000
2. Contributions by the Sirkar to Devaswoms ....	„ 2,75,000
3. Perpetual annuity of unspent balance of Devaswom Funds with Government in the past years ....	„ 3,00,000
4. Compensation for having tre- ated Ttemple Lands as Pan- daravagai ..	<u>28,16,600</u>
Total	43,41,600

This shows the yearly grant of the estimated necessity of the proposed Devaswom Department for giving it the bare where-withal to keep it going, viz, Rs. 23,00,000 relieves the general tax payer of his liability to pay an annual contribution of Rs. 20,41,600 for which also it has claim according to the most partial calculation in his favour. The fund, it may be expected, would be increased by voluntary contributions (Nadavaravus) according to the enthusiasm displayed by the votaries of the religion to which these temples belong. Perhaps the sale of superfluous Thiruvabharanam and other movable properties of the

Devaswoms as also their special funds such as the cash balance of the Ettumanur and Vaikom temples and the sale proceeds of the Anjili trees of the Kaviyur temple and the like may be made to help to increase the fund and place the institutions for the upkeep of which it is intended with proper husbandry beyond destitution. The file put up shows that the formation of a fund was advocated in the past, but was only allowed to lie over because it was considered that operation can be given to it only when the Devaswom question is comprehensively tackled.

In conclusion, it is submitted that it may be necessary to declare that of Rs 23,00,000, Rs 9,50,000 is a charge on the Land Revenue and Rs 13,50,000 a charge upon the other general revenues of the State in consideration of the profit which the State Land Revenue has directly derived from the Devaswom lands and the advantages which the general tax payer has received from the State connection with the Devaswoms respectively.

Trivandrum,

31st December 1921

2nd January 1922.

ROC. No. 206 of 21 G. B.

Mp dear Burkitt,

Prior to the days of Col. Munro, the British Resident who was also the Dewan of the State for some time, Hindu temples in the State were under private bodies, and, as these bodies were found to mismanage the institutions and allow the temples to go into disrepair, Col. Munro decided in 987 M. E. (1811-1812 A. D.) that the State should assume control over them and accordingly that Darbar assumed the management of 348 Major temples and 1171 Minor temples with all the properties, movable and immovable, belonging to them. Between 987 M. E. and 1079 M. E. (1903 A. D.), the date on which the Hindu Religious Endowments Regulation was passed, some other Devaswoms were similarly assumed with their properties, but there are no accounts to show the extent of the properties of these latter institutions and the income derived from them.

2. Accounts showing separately the income from the landed properties of the temples assumed in 987 M. E. in grain and in cash for some years from the date of their assumption are available, and they show that for the five years commencing 986 M. E., the average annual income in the shape of paddy was 16,06,281 paras and in cash Rs. 60,608. An examination of these accounts discloses the further fact that the tendency of this income was to rise year after year. The accounts also show that till the year 986 M. E. the State as a Hindu State was contributing from its own coffers towards the maintenance of most of these temples an annual sum of nearly Rs. 2½ lakhs. From 987 M. E. onwards the State incurred all the expenditure connected with these institutions and there was no necessity to show separately the

contribution it made annually from its own funds. Later on, the practice of keeping separate accounts for the income from the properties belonging to these institutions gradually ceased and the properties themselves in some cases were begun to be shown in the public accounts as Sirkar. This process received a further impetus at the time of the last Survey and Settlement and many of these temple properties were entered in the accounts then prepared as Sirkar properties and their tenure was shown as Pandaravaga, i. e., Sirkar. In the result, it became finally impossible to completely separate the immovable properties of the temples whose management the State assumed and there was practically a complete merger of these properties in those of the Sirkar.

3. The expenditure incurred by the State for the management and maintenance of these temples has of course gone on increasing since the days of Col. Munro owing chiefly to the gradual rise in the prices of commodities and the wages for services, and the total annual expenditure which fluctuated between 5 and 6 lakhs of rupees in the days of Col. Munro has in recent years been somewhere in the region of Rs. 16 lakhs. Also, the management of these institutions is vested in the Revenue Officers of the State, the Revenue service in the State came to be confined exclusively to caste Hindus. While the merger of the temple properties in those belonging to the Sirkar gave the caste Hindus the impression that the State was guilty of spoliation of the Temple Funds and was not spending on these temples the full income derived or derivable from them and their inevitably inefficient management by the Revenue Officers with multifarious other important duties to perform only served to confirm this impression, the increasing expenditure incurred by the State on account of these temples, the irritating incidence of the tenure of the lands still classified in the accounts as temple properties and the exclusion of a large section of His Highness' subjects

from a coveted department of the State service gave room to a considerable amount of discontent among the non-caste Hindus. The Sree Moolam Popular Assembly has served to strengthen the public agitation in favour of these two opposing contentions.

4. With a view to remove the grievances on either side, the Darbar in its Proceedings No. D. 952, dated the 3rd April 1920, appointed a Committee styled the "Devaswom Separation Committee," consisting of officials and non-officials, Hindus and non-Hindus, to consider and report on—

- (i) the nature of the assumption of these temples (Devaswoms),
- (ii) the feasibility of separating the religious and charitable institutions under Sirkar management from the control of the Land Revenue Department, and
- (iii) the nature and the cost of the additional staff that would have to be employed if the organisation of a separate department be deemed desirable. (Vide Darbar's letter No. D. 1503/137 of 20 dated the 26th May 1920).

The Devaswom Separation Committee's Report, recommending the separation and the lines on which the same has to be effected has been received and has been under the consideration of the Darbar for some time past.

5. The Darbar agreed with the Committee that its relationship with and its management of these temples should be placed on a well-defined and legal footing and that the management should be entrusted to a separate State Department, and the Darbar thought that a Proclamation should issue from His Highness the Maharaja to give effect to its decision. A draft Proclamation was accordingly drawn up and was referred with the connected papers to Mr. C. P. Ramaswami Aiyar, Advocate-General, Madras, who has favoured the Darbar with his opinion.

6. I enclose the final draft of the Proclamation as revised in conformity with the opinion of the Advocate-General, Madras. The Proclamation purports to legalise the maintenance of the Devaswoms in question from a fund called the "Devaswom Fund" made up of the following items:—

- (i) Allotment made in the State Budget every year for the said Devaswoms, such allotment not being less than forty per cent of the gross annual Land Revenue of the State.
- (ii) The moneys realised from time to time by the sale of movable properties belonging to the said Devaswoms.
- (iii) All voluntary contributions and offerings made by devotees.
- (iv) Interest on investments of funds belonging to the said Devaswoms.
- (v) All other moneys belonging to the said Devaswoms and
- (vi) Any unspent balance out of the allotment mentioned in item i.

7. The Proclamation further directs that all immovable properties belonging to the said Devaswoms and now shown in the Revenue accounts as "*Devaswomvaga*" shall hereafter for all intents and purposes be deemed to be '*Pandaravaga*' and dealt with as such. In other words, it declares the intention of the Darbar to convert the tenure of all the lands that once belonged to those temples, including those that still continue to be shown as such in the public accounts, to ordinary Sirkar or Pandaravaga tenure, with the advantages attendant on such tenure, the chief of which is the immunity from payment of rent in kind.

8. It will be seen that the first item that goes to make up the Devaswom Fund is the annual contribution by the State of a sum not less than forty per cent of its gross annual Land Revenue. It will also be seen from clause 7(2) of the Proclamation that the cost of the Department created for the supervision of these institutions, amounting roughly to about  $\frac{3}{4}$  of a lakh, is to be met from the General Revenues of the State.

9. These provisions require a word of explanation :

It has already been stated that the income from the lands belonging to the Devaswoms the control of which was assumed in 987 M. E. was at that time 16,06,281 Parahs of paddy and Rs. 60,608 in cash. This income does not include the income from properties that belonged to the Devaswoms assumed between 987 M. E. and 1079 M. E. Both these sets of institutions had also other income of a fluctuating character in the shape of offernigs by devotees. It should also be remembered that the income from the landed properties already mentioned does not exhaust all the claims these institutions possessed over their immovable properties.

The following other claims of these institutions connected with their immovable properties are also undeniable :—

- (i) Compensation for the treatment of their lands as Pandaravaga both in the past and in the future ;
- (ii) Their claims to Cherikal Lands on which shifting cultivation used to be carried on once but which were either registered as Pandaravaga and Pattahs issued at the last Land Revenue Settlement or which were included in State Forests during Forest Settlements. That the value of this claim, though



indefinite, is very substantial is a point that does not require to be stressed.

- (iii) The claim to increase in revenue due to extensions of cultivation which are the natural concomitant of an increase in population and progress in civilisation. I have already pointed out that even in the five years immediately following the assumption the income from the landed properties of these temples showed a steady rise. This claim, again, though indeterminate in character, is not altogether trivial.

Administrative reforms from 987 M. E. to 1081 M. E. (1905 A. D.) abolishing taxation in kind and substituting money payments at a commutation rate either of six chackrams or of eleven chackrams per parah of paddy, have been already applied to the lands from which these Devaswoms were once deriving a paddy income. It is needless to point out that this has subjected the Devaswoms to considerable pecuniary loss. The present money value of this paddy income must be gauged by the recent prices of paddy. The average 'Nirak (market) rates for the five years from 1091 M. E. (1915-1916 A. D.) worked out for thirty-one stations in the State, show that a parah of paddy is now worth at least Chs. 27-7 cash (or 9 cash less than a Sirkar Rupee). As most of the expenditure in Devaswoms is in the shape of paddy and as owing to the conversion of the paddy rents into money rents the Devaswoms have to obtain their requirements through contractors, it would cost them more than this figure to obtain it. The price at which paddy has been supplied by contractors to Devaswoms has been steady at over a Rupee for the last three years. To value a parah of paddy of at less than one Sirkar Rupee would therefore be distinctly disadvantageous to the Devaswoms at the present day and it is not at all likely that paddy

can be secured at a lower rate even in the future. Valued at this rate, the 16,06,281 paraahs of paddy which the Devaswom Lands were yielding in the shape of rents at the time of their assumption by the Sirkar must be taken to be worth Rs. 16,00,000 at least. This, together with Rs. 60,008, the cash revenue which the Devaswoms were deriving from their garden lands, etc., at the time of their assumption gives a total definite revenue of Rs. 16,66,889 from Devaswom properties. To these must be added the money equivalent of the indeterminate, but none the less valuable, further claims of the Devaswoms on the State already alluded to.

10. The annual expenditure incurred on the upkeep of these Devaswoms have averaged Rs. 12 lakhs in recent years and that on their maintenance by way of renewals and repairs to their buildings and appurtenances about Rs. 3 lakhs. The Darbar proposes to add to this a sum of Re. 1 lakh per annum to meet unforeseen emergencies and contingencies. These items would aggregate Rs. 16 lakhs which is well within the determinate dues to the Devaswoms, viz, Rs. 16,66,889 mentioned in the previous paragraph. Rs. 16 lakhs represents forty per cent of the present total State and Devaswom Land Revenue. Clause 1 of Section 4 of the Proclamation, it will be observed, states however that the allotment to Devaswoms shall be *not less* than forty per cent of the gross revenue. This has been so put in order to leave the hands of the State unfettered to make further grants as may be rendered necessary by rise in prices or other causes. The right of His Highness the Maharaja to make grants when necessary out of the general revenues to provide for the efficient conduct and maintenance of Hindu religious institutions has, as I have pointed out at the commencement of this letter, been exercised from time immemorial and has been specifically reaffirmed in Darbar's

indefinite, is very substantial is a point that does not require to be stressed.

- (iii) The claim to increase in revenue due to extensions of cultivation which are the natural concomitant of an increase in population and progress in civilisation. I have already pointed out that even in the five years immediately following the assumption the income from the landed properties of these temples showed a steady rise. This claim, again, though indeterminate in character, is not altogether trivial.

Administrative reforms from 987 M. E. to 1031 M. E. (1905 A. D.) abolishing taxation in kind and substituting money payments at a commutation rate either of six chackrams or of eleven chackrams per parah of paddy, have been already applied to the lands from which these Devaswoms were once deriving a paddy income. It is needless to point out that this has subjected the Devaswoms to considerable pecuniary loss. The present money value of this paddy income must be gauged by the recent prices of paddy. The average 'Nirak (market) rates for the five years from 1091 M. E. (1915-1916 A. D.) worked out for thirty-one stations in the State, show that a parah of paddy is now worth at least Chs. 27-7 cash (or 9 cash less than a Sirkar Rupee). As most of the expenditure in Devaswoms is in the shape of paddy and as owing to the conversion of the paddy rents into money rents the Devaswoms have to obtain their requirements through contractors, it would cost them more than this figure to obtain it. The price at which paddy has been supplied by contractors to Devaswoms has been steady at over a Rupee for the last three years. To value a parah of paddy of at less than one Sirkar Rupee would therefore be distinctly disadvantageous to the Devaswoms at the present day and it is not at all likely that paddy

greater efficiency in management, upkeep and maintenance, I request that you will be so good as to obtain the approval of the Madras Government to the Proclamation at an early date.

13. The papers noted at foot are enclosed.

Yours sincerely,  
(Sd ) 31-12-'21.

- 1 The Darbar's Order appointing the Devaswom Separation Committee.
- 2 The Report of the Devaswom Separation Committee.
- 3 Statement of the case referred to Mr. C. P. Ramaswamy Aiyar, Advocate General, Madras
4. Copy of his opinion thereon.
- 5 Draft Proclamation of the Darbar.

## **PRESS COMMUNIQUE**

### **ON THE DEVASWOM PROCLAMATION OF 1937.**

Prior to the days of Col. Munro, the Dewan-Resident, Hindu temples in the State were mostly under the management of private bodies called Ooralars or Karakars. As these bodies were found to mismanage the institutions committed to their charge, Col., Munro decided in 1937 M. E. (1811-1812 A. D.) that the State should assume control over them, and accordingly the Government assumed the management of these temples with their properties, movable and immovable. Col. Munro's order of assumption does not enumerate the Devaswoms, the management of which was assumed by Government; but the Thirattu of that year mention 348 Major and 1,123 minor Devaswom as those maintained or aided by Government. Subsequent to 1937 M. E. some more Devaswoms have similarly been assumed; even in their case there are no records to show their exact number. In the case of some of the Devaswoms subsequently assumed, separate accounts of their assets, income and expenditure have been maintained and these institutions are financially autonomous and have each a personal deposit account with Government Treasuries. In the case, however, of the remaining Devaswoms, which form the large majority, the income and the expenditure have been merged in those of the State and no separate accounts of such income and expenditure have been maintained except for a few years immediately following the assumption

2. The income in grain and in cash from the landed properties of the Devaswoms assumed in 1937 M. E. was according to the accounts of that year, 15,80,491 paras of paddy and

Rs 53,092/-in cash and their average annual income for the five year commencing with 987 M. E. was 16,06,281 paras of paddy and Rs. 60,608/-in cash which proves that the tendency of this income was to rise year after year. The accounts of 987 M. E. further show that up to 986 M. E., the State was contributing from the general revenues on annual sum of Rs. 2½ lakhs towards the maintenance of temples. The practice of keeping accounts for the income derived from the properties belonging to the temples gradually ceased and the properties themselves in some cases began to be shown in the public accounts as Sirkar Properties. Even so early as 1048 M. E., Dewan Seshiah Sastri pointed out that it had become difficult to separate Devaswom Lands from those of the Sirkar. The process of merger received a further impetus during the last survey and settlement, when many of the Temple properties were entered in the accounts then prepared, as Sirkar properties and their tenure was described as Pandaravaga. It has accordingly become altogether impossible at the present day to fully separate from the Sirkar lands the lands that originally belonged to the temple.

3. As stated in the foregoing paragraph, the income of 16,06,281 paras of paddy and Rs. 60,608/- in cash of the Devaswoms assumed in 987 does not include the income from the properties belonging to Devaswoms assumed subsequently. Both these sets of institutions had also other fluctuating income in the shape of offerings from devotees. Further the income in paddy and cash already mentioned does not exhaust the claims of these institutions over their properties. The following are examples of further claims:—

- (1) The claim of the Devaswoms over their Cherikal Lands on which shifting cultivation used to be carried on formerly but which were subsequently either

that position in regard to Devaswom lands is fundamentally different from their position in regard to the Sirkar lands." In pursuance of this order of Government Devaswom lands were attempted to be identified and the Revenue derived from them separated from the Sirkar Land Revenue. The attempt at a complete identification of the Devaswom lands failed for reasons already set forth and in G. O. No. D. 952, dated 3-4-1920, Government appointed a mixed committee of Hindus and non-Hindus to consider and report upon the exact character of the assumption of these Devaswoms, the feasibility of separating their administration from the Land Revenue Department and the nature and cost of the additional staff that might be necessary if the organisation of a separate Department be deemed desirable. The Committee have, in their valuable report recommended that the administration of the Devaswoms should be separated from the Land Revenue Department and entrusted to a distinct agency and that, as the work of the Land Revenue Department would be curtailed thereby, a portion of the funds necessary for the formation of the new department should be found by reducing its strength. With regard to the relationship that subsists between the State and the Devaswoms, the Committee is unanimously of the opinion that the Devaswoms were not confiscated by Col. Munro, but that the object aimed at by him was their better management and maintenance, and that the Government have incurred an obligation to maintain the Devaswoms efficiently for all time to come. The members of the Committee differ however in one respect. While the majority holds that the State being a Sovereign Proprietor is legally accountable to none for their management, the dissenting member is of the opinion that the assumption extended only to management, thereby constituting the State a trustee of the Devaswoms and that, as the State has mixed up the trust property with its own, the entire expenditure in connection with the Devaswoms, however large,

is a legitimate charge upon its general Revenues. The Government of His Highness the Maharaja have taken the necessary legal opinion and have come to the conclusion that the State's assumption of these Hindu Religious Institutions in the days of Col. Munro was an act done in the exercise of the traditional right of "Melkoima" inherent in the Hindu Sovereigns of the State and that it was not an act of confiscation. The Government are accordingly under an undoubted obligation to maintain the Devaswoms for all time properly and efficiently, especially in view of the circumstance that, had all the properties of these Devaswoms been kept separate, the progressive income derivable therefrom might have been more or less sufficient to defray all the expenses connected with their efficient management. Government have also come to the conclusion that, for the proper discharge of this obligation, the creation of a separate department, which will devote its attention exclusively to the administration of Devaswoms, is necessary.

5. It has already been stated that the current cash value of the determinate income of the Devaswoms from their landed properties amounts to Rs. 16 lakhs. This figure bears roughly the proportion of 40 per cent Land Revenue of the State and to this extent at least the Devaswoms are entitled to a guarantee from the Government. The recurring annual expenditure on these Devaswoms has, as already stated, averaged in recent years Rs. 15 lakhs; but it must be remembered that their Pathivus have not been fully revised and that there is much to be done by way of repairs and renewals to their buildings and appurtenances. It would therefore be necessary to set apart, as reserve for unforeseen contingencies, the difference between the two sums. They have accordingly resolved to credit annually in the future a sum representing 40 per cent of the State's recurring Land Revenue to Devaswoms and to constitute a Devaswom



Fund comprising this allotment and the other miscellaneous items of Revenue like offerings etc., received by them.

6. In regard to the orders of Government issued in 1912 that the next settlement should be so regulated as to enable the Devaswoms to secure the full Revenue from their lands, the Devaswom Separation Committee have pointed out that this pronouncement of Government has created an amount of fear and discontent which it would be wise to allay and have expressed the emphatic opinion that the policy therein enunciated should be abandoned, and that adequate measures should be taken to conserve and safeguard the privileges which the holders of the Devaswom lands, in common with the holders of Pandaravaga lands, have as a matter of fact, enjoyed for over a century, and that fixity of tenure should be guaranteed to them as in the case of Pandaravaga lands. Government concur in this view and resolve to declare all Devaswom lands as Pandaravaga lands and to place the holders of the former in the same position as that of the latter. This decision involves a substantial loss of Revenue to the Devaswoms; but in view of the lasting benefit which this measure would confer on a large section of His Highness' subjects, Government feel that this sacrifice of Revenue must be faced by them and also that the Devaswoms should not suffer on this account. Government have also to take into consideration the indeterminate claims alluded to in paragraph 3 and which the Devaswoms have to forego. Taking into account all these circumstances, and also the voluntary contribution which the State was making prior to Col. Munro's assumption, the Government further resolve to meet from the general Revenues the entire cost of the separate Devaswom Department now proposed to be created and to reserve to themselves the right to make to the Devaswoms, when absolutely necessary, additional contributions from the general Revenues of the State in any particular year. The Proclamation issued today under His

Highness, Sign Manual is intended to give a legal basis to the resolutions of Government already detailed.

7. The schedule attached to the Proclamation requires a word of explanation. Disparities in the number of Sirkar Devaswoms had long been in existence, as correct statements of such Devaswoms had not been kept during the days of Col. Munro or subsequently. The figures given in the Thirattu of 1987, the several administration reports, the lists prepared by special officers (Messrs. Chempakaraman Pillai and Ramachandra Rao) and in the Devaswom Separation Committee's report do not tally with each other. The verification undertaken by Government has shown that reconciliation between the different figures is possible only in the case of Minor Devaswoms which are more numerous. In regard to the latter, 513 Minor Devaswoms have been identified and are tentatively included in the schedule together with the 334 Major Devaswoms. A comparison of the list of Minor Devaswoms now furnished by the Division Peishkars with those already prepared by Messrs. Chempakaraman Pillai and Ramachandra Rao shows that at a many as 322 institutions remain to be accounted for. In regard to these, Government consider that a further investigation on the spot by a responsible officer is necessary and that the schedule should be revised in the light of the report of that officer and republished. This will be done in due course.

8. Government trust that the Proclamation would set at rest longstanding controversies about the status of the Devaswoms and confer substantial benefits on a large section of His Highness' subjects holding Devaswom lands. The Proclamation would also serve to remove the disability under which a large section of His Highness' subjects have been labouring in the matter of admission to the Land Revenue service of the State.

As for the Devaswoms themselves, it is hoped that they would enter on a new era of efficient management and prosperity.

(By Order)

R. Krishna Pillai,

*Ag. Chief Secretary to Government*

Huzur Cutcherry,

Trivandrum, 12-4-22/30-8-97.

# **DEVASWOM PROCLAMATION.**

## **PROCLAMATION**

**BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE,  
ISSUED UNDER DATE THE 12TH APRIL, 1922,  
CORRESPONDING WITH THE  
30TH MEENAM, 1097.**

Whereas in virtue of the Melkoima right vested in the State, the administration of certain Devaswoms along with their endowments was, owing to their mismanagement, assumed by it in 987 M. E. with a view to their better management and to the maintenance of the said temples and their appurtenances in good condition ;

And whereas the income from the immovable property alone of the said Devaswoms amounted at the time of assumption to 15,80,491 paras of paddy and Rs. 53,092 in cash ;

And whereas the said incomes from Devaswoms had, in course of time, become absorbed in the General Revenues of the State and the expenditure therefor was met out of such General Revenues ;

And whereas, owing to various causes, a large portion of the immovable property of the said Devaswoms had been treated in course of time as Pandaravaga lands and in consequence become incapable of identification and separation ;

And whereas by Proceedings of Government No. D. 4905, dated the 25th October 1913, Our Government resolved that, in view of their position in respect of the said Devaswoms, it was their duty so to regulate the next Land Revenue Settlement as to

ensure to the said Devaswoms the full Revenue from their immovable property ;

And whereas the above said resolution, if given effect to, is calculated to operate detrimentally on the material welfare of Our beloved subjects ;

And whereas the conversion into Pandaravaga tenure of all Devaswom lands is calculated to be beneficial to Our beloved subjects ;

And whereas the income from the immovable property of the said Devaswoms and of those whose management has been assumed since 987 M. E. had it been kept separate, should, along with their other income, be ordinarily sufficient for their proper maintenance ;

And whereas in view of Our faith and religion it is Our solemn right and duty to maintain efficiently and in good condition, Hindu Religious Institutions in Our State, irrespective of the income from such institutions or the cost of such maintenance, and in pursuance of such right and duty Our State has, from time immemorial, contributed from its Exchequer to the cost of such maintenance to the extent necessary ;

And whereas doubts have been expressed as to the position of Our Government in relation to the said Devaswoms ;

And where it is necessary to remove those doubts and to provide for the better management and more effective control of the said Devaswoms ;

We are pleased to command as follows:—

1. (i) This Proclamation shall be called the Devaswom Proclamation, 1097.

(ii) It shall come into force on the 1st Chingom 1098.

(iii) It shall apply to the Devaswoms mentioned in the Schedule.

2. "Schedule" means the Schedule attached to this Proclamation.

3. Our Government shall, out of the Devaswom Fund constituted under Section 4, maintain the Devaswoms mentioned in the schedule, keep in a state of good repair and to the extent they consider necessary, the temples, buildings and other appurtenances thereto, and administer the Devaswoms in accordance with such usage and custom as may be recognised by Our Government.

4. There shall be constituted for the Devaswoms mentioned in the schedule a fund called the "Devaswom Fund." Such fund shall consist of:—

- (i) allotment made in the State Budget every year for the said Devaswoms, such allotment not being less than forty per cent of the Ayacut and Sanchayam Land Revenue of the State;
- (ii) the moneys realised from time to time by the sale of movable properties belonging to the said Devaswoms;
- (iii) all the voluntary contributions and offerings made by devotees;
- (iv) interest on investments of funds belonging to the said Devaswoms; and
- (v) all other moneys belonging to or other income received by the said Devaswoms.

5. Any unspent balance out of the allotment mentioned in sub-section (1) of Section 4 shall be added on to the Devaswom Fund.

6. All immovable properties belonging to the Devaswoms mentioned in the Schedule and now shown in the Revenue accounts as "Devaswomvaga" shall hereafter for all intents and purposes be deemed to be Pandaravaga and dealt with as such.

7. (i) Our Government may for the better and more efficient management and more effective control of the Devaswoms mentioned in the Schedule organise Devaswom Department of the State consisting of such number of officers and other servants as they think fit.

(ii) The expenditure in connection with the said department shall, notwithstanding anything contained in Sections 3 and 4, be met out of the general revenues of the State.

8. Our Government may, from time to time:—

(i) define the powers and duties of the Officers of the Devaswom Department ;

(ii) regulate the scale of expenditure of the Devaswoms; and

(iii) make Rules generally for carrying out the purposes of this Proclamation.

9. No suit shall lie in any Civil Court against Our Government:—

(i) for anything done in relation to the Devaswoms mentioned in the Schedule and their properties

before the commencement of this Proclamation;  
and

- (ii) for anything done or purporting to be done in pursuance of this Proclamation.

10. Nothing contained in this Proclamation shall in any way affect Our right to contribute out of the State funds:—

- (i) towards Sri Pandaravaga expenditure to the extent deemed necessary by Us; or
- (ii) to other Devaswoms in or outside the State; or
- (iii) to the performance of the customary religious ceremonies conducted under Our command.



## PROCLAMATION

ISSUED UNDER DATE THE 11TH KANNI 1121  
CORRESPONDING TO THE 27TH SEPTEMBER 1945.

Where it is expedient to amend the Devaswom Proclamation, 1097, for the purpose of assuming power for Our Government to amend the Schedule attached to the said Proclamation, and

Whereas it has been found necessary to regularise the action already taken by Our Government in amending the said Schedule by means of Notifications,

We are hereby pleased to command as follows:—

- 1 (i) This Proclamation may be called the Devaswom (Amendment) Proclamation, 1121.
- (ii) It extends to the whole of Travancore.
- (iii) It shall come into force at once.

2. After Section 10 of the Devaswom Proclamation, 1097, the following Section shall be added, and shall be deemed always to have been in force, namely —

“11 Our Government may, from time to time, by notification in Our Government Gazette, amend, alter or add to the Schedule ”

SIGN MANUAL

## PROCLAMATION

ISSUED UNDER DATE THE 25TH MITHUNAM 1121  
CORRESPONDING TO THE 9TH JULY 1946.

Whereas in exercise of the Melkoima right vested in the Sovereign the administration of certain Devaswoms along with their endowments was assumed by the State in 987

Preamble M. E. with a view to their better management and to the maintenance of the said Devaswoms and their appurtenances in good condition ;

And whereas the income from the said Devaswoms had, in course of time, become absorbed in the general Revenues of the State and the expenditure therefor was met out of such general Revenues;

And whereas all the Devaswom lands have been converted into Pandaravaga lands by the Devaswom Proclamation dated the 30th Meenam 1097 ;

And whereas the liability to contribute a certain proportion of the total land revenue to the Devaswom fund and on this basis to make an annual allotment for the upkeep of the said Devaswoms has been undertaken by the State ;

And whereas by means of the introduction of a new system of assessment and collection of taxes in respect of land, the income derived from land revenue as such will be materially affected and in consequence the contribution to the Devaswom fund will be reduced ;

And whereas in pursuance of the said Proclamation of 1097, We have accepted the right and obligation to maintain

efficiently and in good condition Hindu Religious institutions in Our State irrespective of the income from such institutions or the cost of such maintenance ;

We are pleased to command as follows:—

1. (i) This Proclamation shall be called the Devaswom Proclamation, 1121.

Short title, commencement and application.

- (ii) It shall come into force on the first day of Chingom 1122.

- (iii) It shall apply to the Devaswoms mentioned in the Schedule.

2. "Schedule" means the Schedule appended to this Proclamation.

Interpretation.

3. Our Government shall, out of the Devaswom Fund constituted under Section 4, maintain the Devaswoms mentioned in the Schedule, keep in a state of good repair and to the extent they consider necessary, the temples, buildings and other appurtenances thereto, and administer the Devaswoms in accordance with such usages and customs as may be recognised by our Government

Maintenance of Devaswoms, etc.

4. The Devaswom Fund constituted for the Devaswoms mentioned in the Schedule shall consist of:—

Devaswom Fund,

- (i) allotment made in the State Budget every year for the said Devaswoms, such allotment not being less than twenty-five lakhs of rupees ;

- (ii) the moneys realised from time to time by the sale of movable properties belonging to the said Devaswoms ;

- (iii) all voluntary contributions and offerings made by devotees :
- (iv) profits and interest received from investments of funds belonging to the said Devaswoms; and
- (v) all other moneys belonging to or other income received by the said Devaswoms.

5. Any unspent balance out of the allotment mentioned in clause (1) of Section 4 shall be added on to the

Unspent balance. Devaswom Fund.

6. (i) The Devaswom Department organised by Our Government under the Devaswom Proclamation of 1097 shall continue and shall consist of such number of officers and other servants as Our Government may think fit.

Devaswom Department.

(ii) The expenditure in connection with the said Department shall, notwithstanding anything contained in Sections 3 and 4, be met out of the general revenues of the State.

7. No suit shall lie in any Civil Court against Our Government in respect of anything done in relation to the Devaswoms mentioned in the Schedule or their properties or for anything done or purporting to be done in pursuance of this Proclamation.

Bar of Suits

8. Nothing contained in this Proclamation shall be deemed to affect Our right to contribute out of the State funds—

Saving.

(i) towards Sri Pandaravaga expenditure to the extent deemed necessary by Us; or

- (ii) to other Devaswoms in or outside the State; or
- (iii) to the performance of the customary religious ceremonies conducted under Our command.

9 Our Government may from time to time by notification in Our Government Gazette, amend, alter, or add to the Schedule.

Power to amend  
Schedule

10 Our Government may, from time to time, make rules—

Power of Gov-  
ernment to make  
rules

- (i) regulating the scale of expenditure of the Devaswoms mentioned in the Schedule,
- (ii) for the expenditure and investment of the surplus income of the said Devaswoms;
- (iii) defining the powers and duties of the officers of the Devaswom Department; and
- (iv) generally for carrying out the purposes of this Proclamation.

11. The Devaswom Proclamation of 1097 is hereby repealed.

Repeal

SIGN MANUAL.

## PROCLAMATION

ISSUED UNDER DATE THE 18TH MAKARAM 1122.  
CORRESPONDING TO THE 31ST JANUARY 1947.

Whereas it is expedient to amend Our Proclamation issued under date the 25th Mithunam 1121 corresponding to the 9th July 1946 relating to Devaswoms for establishing a corporate body for managing the Devaswom Surplus Fund;

We are pleased to enact as follows:—

1. (i) This Proclamation may be called the Devaswom (Amendment) Proclamation, 1122.

(ii) It shall come into force at once.

2. Section 5 of the Proclamation issued under date the 25th Mithunam 1121 corresponding to the 9th July 1946 (hereinafter referred to as the said Proclamation) shall be re-numbered as sub-section (i) of that Section and the following sub-sections shall be added to the Section as so re-numbered:—

Devaswom Sur-  
plus Fund.

“(ii) There shall be constituted by this Proclamation a separate fund to be called “The Devaswom Surplus Fund” which shall consist of the unspent balances out of the Devaswom Fund constituted under section 4.

Devaswom Sur-  
plus Fund Com-  
mittee.

(iii) The Devaswom Surplus Fund shall be administered, subject to Our control and direction, by a committee consisting of the Devaswom Commissioner and two other officers who shall be appointed by Us and who shall be members thereof so long as they continue to hold such office. The Devaswom Commissioner shall be the convener of the Committee. The Committee shall be a body

corporate under the name of the Devaswom Surplus Fund Committee and shall have perpetual succession and a common seal with power to hold and acquire property, movable and immovable, and shall sue and be sued by the said name.

- (iv) Subject to such rules as may be laid down by Us the said Committee shall have power to purchase or take a first mortgage of property, movable or immovable, with moneys from the Devaswom Surplus Fund, and shall have power to take, hold, manage or assign on lease any property vested in or belonging to the Devaswom Surplus Fund, and to do all other acts incidental to the management of such property.

Committee's  
Powers.

- (v) The said Committee may, with Our previous sanction, make rules prescribing the restrictions, limitations and conditions subject to which assignments of property on lease could be made. All provisions, restrictions, conditions, and limitations over, contained in any document evidencing a lease of such property granted by the Committee, shall be valid and take effect according to their tenor, notwithstanding any law, statute or enactment of the Legislature to the contrary."

Committee's  
power to make  
rules.

3. For clause (2) of Section 10 of the said Proclamation substitute the following as clause (2) :—

- "(ii) for the maintenance and auditing of the accounts of the Devaswom Surplus Fund, for the inspection of its property, and for such other matters in connection therewith as may be deemed necessary."

## PROCLAMATION

ISSUED UNDER DATE THE 10TH MEENAM 1123  
CORRESPONDING TO THE 23RD MARCH 1948.

Whereas it is necessary to amend in certain respects Our Proclamation issued under date the 25th Mithunam 1121 corresponding to the 9th July 1946 as amended by Our Proclamation issued under date the 18th Makaram 1122 corresponding to the 31st January 1947 relating to Devaswoms,

We are pleased to enact as follows:—

1. (i) This Proclamation may be called the Devaswom (Amendment) Proclamation, 1123.

Preamble,

- (ii) It shall come into force at once.

2. For Section 3 of the Proclamation issued under date the 25th Mithunam 1121 corresponding to the 9th July 1946, as amended by the Proclamation issued under date the 18th Makaram 1122 corresponding to the 31st January 1947, (hereinafter referred to as the said Proclamation), the following Section shall be substituted, namely:—

Amendment of  
Section 3 of Pro-  
clamation of 1121.

- “3. We shall out of the Devaswom Fund constituted under Section 4 maintain the Devaswoms mentioned in the Schedule, keep in a state of good repair the temples, buildings and appurtenances thereto, administer the said Devaswoms in accordance with such usages and customs as may be recognised by Us, make contributions to other Devaswoms in or outside the State, and meet the expenditure for the religious ceremonies conducted under Our Command.”

Maintenance of  
Devaswoms etc.



corporate under the name of the Devaswom Surplus Fund Committee and shall have perpetual succession and a common seal with power to hold and acquire property, movable and immovable, and shall sue and be sued by the said name.

- (iv) Subject to such rules as may be laid down by Us the said Committee shall have power to purchase or take a first mortgage of property, movable or immovable, with moneys from the Devaswom Surplus Fund, and shall have power to take, hold, manage or assign on lease any property vested in or belonging to the Devaswom Surplus Fund, and to do all other acts incidental to the management of such property.

Committee's  
powers.

- (v) The said Committee may, with Our previous sanction, make rules prescribing the restrictions, limitations and conditions subject to which assignments of property on lease could be made. All provisions, restrictions, conditions, and limitations over, contained in any document evidencing a lease of such property granted by the Committee, shall be valid and take effect according to their tenor, notwithstanding any law, statute or enactment of the Legislature to the contrary."

Committee's  
power to make  
rules.

3. For clause (2) of Section 10 of the said Proclamation substitute the following as clause (2) :—

"(ii) for the maintenance and auditing of the accounts of the Devaswom Surplus Fund, for the inspection of its property, and for such other matters in connection therewith as may be deemed necessary."

## PROCLAMATION

ISSUED UNDER DATE THE 10TH MEENAM 1123  
CORRESPONDING TO THE 23RD MARCH 1946.

Whereas it is necessary to amend in certain respects Our Proclamation issued under date the 25th Mithunam 1121 corresponding to the 9th July 1946 as amended by Our Proclamation issued under date the 18th Makaram 1122 corresponding to the 31st January 1947 relating to Devaswoms,

We are pleased to enact as follows:—

1. (i) This Proclamation may be called the Devaswom (Amendment) Proclamation, 1123.

Preamble.

- (ii) It shall come into force at once.

2. For Section 3 of the Proclamation issued under date the 25th Mithunam 1121 corresponding to the 9th July 1946, as amended by the Proclamation issued under date the 18th Makaram 1122 corresponding to the 31st January 1947, (hereinafter referred to as the said Proclamation), the following Section shall be substituted, namely:—

Amendment of  
Section 3 of Pro-  
clamation of 1121.

“3. We shall out of the Devaswom Fund constituted under Section 4 maintain the Devaswoms mentioned in the Schedule, keep in a state of good repair the temples, buildings and appurtenances thereto, administer the said Devaswoms in accordance with such usages and customs as may be recognised by Us, make contributions to other Devaswoms in or outside the State, and meet the expenditure for the religious ceremonies conducted under Our Command.”

Maintenance of  
Devaswoms etc.

3. For clause (1) of Section 4 of the said Proclamation, the following clause shall be substituted namely,

Amendment of  
clause (1) of Sec-  
tion 4 of Procla-  
mation of 1121.

"(1) The allotment of fifty lakhs of rupees which shall be provided for in the State Budget every year."

4. In Section 5 of the said Proclamation.

- (i) sub-section (1) shall be omitted, and the subsequent sub-sections shall be renumbered ;

Amendment of  
Section 5 of Pro-  
clamation of 1121.

- (ii) in sub-section (1) as so renumbered, the word " of each year " shall be inserted between the words " balances " and " out of " ;

- (iii) for sub section (2) as so renumbered, the following sub section shall be substituted, namely,

"(2) The Devaswom Surplus Fund shall be administered, subject to Our control and direction, by the Devaswom Commissioner appointed by Us" ;

- (iv) in sub-section (3) as so renumbered, for the words "said Committee" the words "Devaswom Commissioner" shall be substituted;

- (v) in sub-section (4) as so renumbered for the words "said Committee" the words "Devaswom Commissioner" shall be substituted.

5. (i) In sub-section (1) of Section 6 of the said Proclamation, for the words "Our Government may think fit," the words "we may determine from time to time" shall be substituted.

Amendment of  
Section 6 of Pro-  
clamation of 1121

- (ii) In sub-section (2) of Section 6 of the said Proclamation.
  - (i) the words "notwithstanding anything contained in Sections 3 and 4", shall be omitted ;
  - (ii) for the words "out of the general revenues of the State" the words "out of the Devaswom Fund mentioned in Section 4" shall be substituted.

- (i) in clause (1) the figure (1) and the word "or" shall be omitted.

Amendment of  
Section 8 of Pro-  
clamation of 1121.

- (ii) clauses (2) and (3) shall be omitted

9. In Section 9 of the said Proclamation, for the words

"Our Government may from time to time" the words "the Devaswom Commissioner may from time to time, with Our previous sanction" shall

Amendment of  
Section 9 of Pro-  
clamation of 1121

be substituted.

10. In Section 10 of the said Proclamation, for the words

"Our Government may, from time to time, make rules" the words "The Devaswom Commissioner may, with Our previous sanction, make rules from time to time" shall be substituted.

Amendment of  
Section 10 of Pro-  
clamation of 1121

SIGN MANUAL.

## PROCLAMATION

ISSUED UNDER DATE THE 25TH MITHUNAM 1121

CORRESPONDING TO THE 9TH JULY, 1946.

*(As amended by Proclamation dated 18th Makaram 1122).*

Whereas in exercise of the Melkoima right vested in the

Sovereign the administration of certain Devaswoms

Preamble.

along with their endowments was assumed by the

State in 987 M. E. with a view to their better management and to the maintenance of the said Devaswoms and their appurtenances in good condition ;

And whereas the income from the said Devaswoms had, in course of time, become absorbed in the general Revenues of the State and the expenditure therefor was met out of such general Revenues ;

And whereas all the Devaswom lands have been converted into Pandaravaga lands by the Devaswom Proclamation dated the 30th Meenam 1097 ;

And whereas the liability to contribute a certain proportion of the total Land Revenue to the Devaswom fund and on this basis to make an annual allotment for the upkeep of the said Devaswoms has been undertaken by the State ;

And whereas by means of the introduction of a new system of assessment and collection of taxes in respect of land the income derived from Land Revenue as such will be materially affected and in consequence the contribution to the Devaswom fund will be reduced ;

And whereas in pursuance of the said Proclamation of 1097 We have accepted the right and obligation to maintain efficiently and in good condition Hindu Religious Institutions in Our State irrespective of the income from such institutions or the cost of such maintenance ;

We are pleased to command as follows :—

1. (i) This Proclamation shall be called the Devaswom Proclamation, 1121.

Short title, commencement and application.

- (ii) It shall come into force on the 1st day of Chingom 1122.

- (iii) It shall apply to the Devaswoms mentioned in the Schedule.

2. "Schedule" means the schedule appended to this Proclamation.

Interpretation

3. Our Government shall, out of the Devaswom Fund constituted under Section 4, maintain the Devaswoms mentioned in the Schedule, keep in a state of good repair and to the extent they consider necessary, the temples, buildings and other appurtenances thereto, and administer the Devaswoms in accordance with such usages and customs as may be recognised by Our Government.

Maintenance of Devaswoms, etc

4. The Devaswom Fund constituted for the Devaswoms mentioned in the Schedule shall consist of:—

Devaswom Fund

- (i) allotment made in the State Budget every year for the said Devaswoms, such allotment not being less than twenty-five lakhs of rupees ;

- (2) the moneys realised from time to time by the sale of movable properties belonging to the said Devaswoms ;
- (3) all voluntary contributions and offerings made by devotees ;
- (4) profits and interest received from investments of funds belonging to the said Devaswoms ; and
- (5) all other moneys belonging to or other income received by the said Devaswoms.

Unspent balance      5. (1) Any unspent balance out of the allotment mentioned in clause (1) of Section 4 shall be added on to the Devaswom Fund.

Devaswom Surplus Fund      \* (2) There shall be constituted by this Proclamation a separate fund to be called "The Devaswom Surplus Fund" which shall consist of the unspent balances out of the Devaswom Fund constituted under Section 4.

Devaswom Surplus Fund Committee.      \* (3) The Devaswom Surplus Fund shall be administered, subject to Our control and directions, by a committee consisting of the Devaswom Commissioner and two other officers who shall be appointed by Us and who shall be members thereof so long as they continue to hold such office. The Devaswom Commissioner shall be the convenor of the Committee. The Committee shall be a body corporate under the name of the Devaswom Surplus Fund

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\* Added by the Amendment Proclamation dated 18th Makaram 1122/31st January 1947, published in the Travancore Government Gazette dated 11th February, 1947/29th Makaram 1122.



Committee and shall have perpetual succession and a common seal with power to hold and acquire property, movable and immovable, and shall sue and be sued by the said name.

**Committee's powers**

\* (4) Subject to such rules as may be laid down by Us the said Committee shall have power to purchase or take a first mortgage of property, movable or immovable, with moneys from the Devaswom Surplus Fund, and shall have power to take, hold, manage or assign on lease any property vested in or belonging to the Devaswom Surplus Fund and to do all other acts incidental to the management of such property.

**Committee's power to make Rules**

\* (5) The said Committee may, with Our previous sanction, make Rules prescribing the restrictions, limitations and conditions subject to which assignments of property on lease could be made. All provisions, restrictions, conditions, and limitations over, contained in any document evidencing a lease of such property granted by the Committee, shall be valid and take effect according to their tenor, notwithstanding any law, statute or enactment of the Legislature to the contrary.

**Devaswom Department.**

6. (1) The Devaswom Department organised by Our Government under the Devaswom Proclamation of 1097 shall continue and shall consist of such

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\* Added by the Amendment Proclamation dated 18th Makaram 1122/31st January 1947 published in the Travancore Government Gazette dated 11th February 1947/29th Makaram 1122.

number of officers and other servants as Our Government may think fit.

- (2) The expenditure in connection with the said Department shall, notwithstanding anything contained in Sections 3 and 4, be met out of the general revenues of the State.

7. No suit shall lie in any Civil Court against Our Government in respect of anything done in relation to the Devaswoms mentioned in the Schedule or their properties or for anything done or purporting to be done in pursuance of the Proclamation.

8. Nothing contained in this Proclamation shall be deemed to affect Our right to contribute out of the State Funds,

- (1) towards Sri Pandaravaga expenditure to the extent deemed necessary by Us; or
- (2) to other Devaswoms in or outside the State; or
- (3) to the performance of the customary religious ceremonies conducted under Our command.

9. Our Government may from time to time by notification in Our Government Gazette, amend, alter, or add to the schedule.

10. Our Government may, from time to time, make Rules—

Power of Government to make Rules

- (1) regulating the scale of expenditure of the Devaswoms mentioned in the Schedule,

- \* (2) for the maintenance and auditing of the accounts of the Devaswom Surplus Fund, for the inspection of its property, and for such other matters in connection therewith as may be deemed necessary;
  - (3) defining the powers and duties of the officers of the Devaswom Department, and
  - (4) generally for carrying out the purposes of this Proclamation.
11. The Devaswom Proclamation of 1097 is hereby repealed.

Repeal

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\* Added by the Amendment Proclamation dated 18th Makaram 1122/31st January 1947 published in the Travancore Government Gazette dated 11th February 1947/29th Makaram 1122.

## PROCLAMATION

ISSUED UNDER DATE THE 25TH MITHUNAM 1121  
CORRESPONDING TO THE 9TH JULY 1946.

*(As amended by Proclamations dated 18th Makaram 1122  
and 10th Meenam 1123).*

Whereas in exercise of the Melkoima right vested in the Sovereign the administration of certain Devaswoms along with their endowments was assumed by the State in  
Preamble 987 M. E. with a view to their better management and to the maintenance of the said Devaswoms and their appurtenances in good condition ;

And whereas the income from the said Devaswoms had, in course of time, become absorbed in the general Revenues of the State and the expenditure therefor was met out of such general Revenues ;

And whereas all the Devaswom lands have been converted into Pandaravaga lands by the Devaswom Proclamation dated the 30th Meenam 1097 ;

And whereas the liability to contribute a certain proportion of the total land revenue to the Devaswom Fund and on this basis to make an annual allotment for the upkeep of the said Devaswoms has been undertaken by the State ;

And whereas by means of the introduction of a new system of assessment and collection of taxes in respect of land, the income derived from land revenue as such will be materially affected and in consequence the contribution to the Devaswom Fund will be reduced ;

And whereas in pursuance of the said Proclamation of 1097 We have accepted the right and obligation to maintain efficiently and in good condition Hindu Religious Institutions in Our State irrespective of the income from such Institutions or the cost of such maintenance ,

We are pleased to command as follows:—

1 (1) This Proclamation shall be called the Devaswom  
Short title com  
 mencement and  
 appli cat on Proclamation, 1121

(2) It shall come into force on the first day of Chingom 1122.

(3) It shall apply to the Devaswoms mentioned in the Schedule

2 "Schedule" means the Schedule appended to this  
Interpretat on Proclamation.

3 We shall out of the Devaswom Fund constituted under Section 4 maintain the Devaswoms mentioned in the Schedule, keep in a state of good repair the temples, buildings and appurtenances thereto, administer the  
Maintenance of  
 Devaswoms etc Devaswoms in accordance with such usages and customs as may be recognised by Us, make contributions to other Devaswoms in or outside the State and meet the expenditure for the religious ceremonies conducted under Our command

4 The Devaswom Fund constituted for the Devaswoms  
Devaswom Fund mentioned in the Schedule shall consist of —

(1) the allotment of fifty lakhs of rupees which shall be provided for in the State Budget every year ,

- (1) the moneys realised from time to time by the sale of the movable properties belonging to the said Devaswoms ;
- (3) all voluntary contributions and offerings made by devotees ;
- (4) profits and interest received from investments of funds belonging to the said Devaswoms ; and
- (5) all other moneys belonging to or other income received by the said Devaswoms.

5.(1) There shall be constituted by this Proclamation a separate Fund to be called "The Devaswom Surplus Fund" which shall consist of the unspent balance of each year out of the Devaswom Fund constituted under Section 4.

Devaswom Surplus Fund.

(2) The Devaswom Surplus Fund shall be administered, subject to Our control and direction, by the Devaswom Commissioner appointed by Us.

Administration of Devaswom Surplus Fund

(3) Subject to such rules as may be laid down by Us the Devaswom Commissioner shall have power to purchase or take a first mortgage of property, movable or immovable, with moneys from the Devaswom Surplus Fund, and shall have power to take, hold, manage or assign on lease any property vested in or belonging to the Devaswom Surplus Fund and to do all other acts incidental to the management of such property.

Devaswom Commissioner's powers

(4) The Devaswom Commissioner may, with Our previous sanction, make Rules prescribing the restrictions, limitations and conditions subject to which assignments of property on lease could be

Devaswom Commissioner's power to make Rules,

made All provisions, restrictions, conditions, and limitations over, contained in any document evidencing a lease of such property granted by the Committee, shall be valid and take effect according to their tenor, notwithstanding any law, statute or enactment of the Legislature to the contrary.

Devaswom  
Department

6. (1) The Devaswom Department organised by Our Government under the Devaswom Proclamation of 1097 shall continue and shall consist of such number of officers and other servants as We may determine from time to time.

- (2) The expenditure in connection with the said Department shall be met out of the Devaswom Fund mentioned in Section 4.

Immovable prop-  
erties in the pos-  
session of Deva-  
swom after 30th  
Meenom 1097

- 6A. *Immovable properties entered or classed in the Revenue records as Devaswomvaga or Devaswom Poramboke and such other Pandaravaga lands as are in the possession or enjoyment of the Devaswoms after the 30th Meenom 1097 shall be dealt with as Devaswom properties* The provisions of the Land Conservancy Act of 1091 (IV of 1091) shall be applicable to such lands as in the case of Government lands.

7. No suit shall lie in any Civil Court impugning anything done in relation to the Devaswoms mentioned in the Schedule or their properties or anything done or purporting to be done in pursuance of this Proclamation.

Bar of suits.

Saving.

8. Nothing contained in this Proclamation shall be deemed to affect Our right to contribute out of the State Funds towards Sri Pandaravaga expenditure to the extent deemed necessary by Us.

9. The Devaswom Commissioner may from time to time with Our previous sanction by notification in Our Government Gazette, amend, alter, or add to the Schedule.

Power to amend  
Schedule,

10. The Devaswom Commissioner may, with Our previous sanction, make Rules from time to time:—

Power of Deva-  
swom Commis-  
sioner to make  
Rules

- (1) regulating the scale of expenditure of the Devaswoms mentioned in the Schedule ;
- (2) for the maintenance and auditing of the accounts of the Devaswom Surplus Fund, for the inspection of its property, and for such other matters in connection therewith as may be deemed necessary ;
- (3) defining the powers and duties of the officers of the Devaswom Department ; and
- (4) generally for carrying out the purposes of this Proclamation.

11. The Devaswom Proclamation of 1697 is hereby repealed.

Repeal.



# ACT III OF 1979.

## THE HINDU RELIGIOUS ENDOWMENTS ACT.

AN ACT TO PROVIDE FOR THE BETTER ADMINISTRATION  
OF CERTAIN HINDU RELIGIOUS ENDOWMENTS  
IN TRAVANCORE.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE  
ON THE 13TH DECEMBER 1903 CORRESPONDING  
WITH THE 23TH VRISCHIKOM 1079,  
UNDER SECTION 13 OF  
ACT V OF 1073.

Whereas it is expedient to provide for the better administration of certain Hindu Religious Endowments  
Preamble. in Travancore;

It is hereby enacted as follows:—

1. This Act shall be called "The Hindu Religious Endowments Act of 1079", and shall come into  
Short title and Commencement. force on the first day of Makaram 1079.

2. It extends to the whole of Travancore.  
Local extent.

3. In this Act, unless there be something repugnant in the subject or context, "Hindu Religious Endowments" shall mean and include:—  
Interpretation Clause.

(a) every Hindu temple or shrine or other religious endowment dedicated to, or used as of right by, the Hindu community or any section thereof; and  
"Hindu Religious Endowments"

- \* (b) every other Hindu endowment or foundation, by whatever local designation known, and property endowments and offerings connected therewith, whether applied wholly to religious purposes or partly to religious and partly to charitable or other purposes, and every express or constructive trust by which property or money is vested in the hands of any person or persons by virtue of hereditary succession or otherwise for such purposes;

**PROVISO.** but shall not include any Hindu religious institution belonging to and under the sole management of a single family or single person in virtue of hereditary succession: Provided that, where the management of a religious endowment has passed into the hands of several branches by division among the members of the original family, the endowment may nevertheless be considered as being in the management of a single family for the purpose of this Act.

*Explanation:—*The expression “hereditary succession” shall include succession to a “Guru” by a disciple by nomination or otherwise.

“Trustee” shall mean the person or persons in whom the administration of the affairs of a religious endowment is vested in trust or holding any property in trust therefor, by whatever designation such person or persons may be known.

4. It shall be competent to Our Dewan, by a notice, to call upon the trustees or managers of any endowment falling under the definition in Section 3, to submit periodically accounts of income and expenditure, or lists of preproperties, jewels, vessels, furniture, or other things belonging to the endowments under their charge, or depute any officer to examine and verify the same.

Power of Dewan to call upon trustees of endowments to submit periodical accounts, lists of properties, &c., and power of officer deputed to require them to furnish records or information or to assist in his examination of accounts &c

It shall also be competent to the Officer so deputed to call upon the trustees and managers, by a notice, to furnish him with all the accounts or other records or information he may require for the purpose of examination and verification and also to assist him in the examination of accounts and movable property.

The notice shall be served in the manner prescribed by the Code of Civil Procedure for the service of summons.

Where the Officer deputed under this section finds that any movables are likely to be removed or misappropriated, he shall make an immediate report to the Dewan, taking such steps for their temporary safe custody as may be necessary. On receipt of such report, the Dewan may, after hearing the parties concerned, pass such orders as he may think proper.

Any trustee or manager who wilfully or contumaciously disobeys any order passed by the Dewan or any notice issued under this section, shall be liable to a fine not exceeding rupees fifty for each act of disobedience and to dismissal if he is found guilty of three such acts of disobedience. The fines imposed under this section may be recovered as arrears of public Revenue.

\* The power to award punishments under this section shall be vested in Our Dewan.

5. (i) The Sirkar may assume the management of Hindu religious endowments in the cases following:—

Cases where Sirkar may assume management or superintend the management of endowments.

- (a) On the application and the request of a majority consisting of not less than two-thirds of the trustees, or of the donors in cases where the donors have reserved to themselves the power of appointing and dismissing trustees;
- (b) On the refusal of the trustees to continue in the trusteeship or on their own admission of incapacity to continue in the trust-management;
- (c) In cases where the Sirkar has the right to take part in the management by appointment of certain officers or servants according to existing usages, if the trustees have failed to carry on their duties properly and in the best interests of the institution;
- (d) In cases where the Sirkar has succeeded to the right of management, in part, by reason of escheat of trustees, if the remaining trustees have failed to carry on their duties properly and in the best interests of the institution; and
- \*(e) In cases of proved mismanagement although the institutions do not fall under sub-clause (c) or sub-clause (d) of clause (1) of this section.

*Explanation to (a).*—The word “donors” includes the legal representatives of the donors.

- † (ii) Notwithstanding anything contained in clause (1) the Sirkar may exercise such superintendence in

\* Added by Act VIII of 1116 dated 18-7-1116.

† Amendments added by Act VIII of 1116.

the management over any institution to which this Act applies as to best fulfil the objects of the trust, if the trustees have failed to carry on their duties properly and in the best interests of the institution.

6. (1) Before assuming or exercising superintendence in the management of any Hindu religious endowment under the provisions of this Act, Our Dewan shall require an officer not inferior in rank to an Assistant Peishkar or a Devaswom Assistant Commissioner to enquire into the affairs of such endowment and to submit a full report. If, on such report, and after hearing the parties interested or affected, Our Dewan be satisfied that a condition precedent as set forth in Section 5 exists, he may pass such order for assumption or superintendence as enabled by that section. The order passed shall be notified in the Gazette. From the lapse of eight weeks from the date of such notification, the Dewan may carry out the order in such manner as seems best in the circumstances of each case, and make arrangements for the proper management of the endowment, subject to the provisions of this Act. Provided that no order involving assumption by the Sirkar of the management of any institution under this section shall be passed except with Our previous sanction.

- \* (2) Where an order is passed under sub-section (1), Our Dewan may pass such order or further orders as he may deem necessary, incidental or conducive

to the carrying out of the order including orders for the search or seizure of the keys, jewels, vessels, furniture, records and other properties movable or immovable belonging to the said institution, or for the transfer of their possession to such person or persons as Our Dewan may direct.

- \* (3) If a trustee or servant of an institution or any other person knowing that an order under sub-section (1) or sub-section (2) has been passed, disobeys any direction contained in such order or otherwise fails to comply with the requirements of the said order within the period prescribed in such order, or if no such period is prescribed, within a reasonable time, Our Dewan may impose upon him a fine not exceeding Rs. 50 for each day during which disobedience or default continues and he shall also be deemed to have committed an offence under Section 181 of the Travancore Penal Code<sup>1</sup>:

Provided that Our Dewan may also in his discretion, if sufficient cause or excuse is shown, cancel any order imposing fine which he has passed under this section.

7. Enquiries under Section 6 of this Act shall be conducted in the presence of the parties interested in such enquiry or their authorised agents, and the Officers holding such enquiry shall have the same powers as an Officer holding a formal Departmental enquiry under Act VI of 1073.

<sup>1</sup> Procedure like Act VI of 1073.

8. In cases where Sirkar assumes the management, the institution shall be managed in the same manner as Sirkar institutions of the same class, subject to the provisions of any scheme, canons or usages, if any, established by the founder or founders.

Assumed institutions to be managed like Sirkar institutions of the same class

9. Where the Sirkar exercises the power of superintendence over institutions referred to in clause (2) of Section 5, it may, if satisfied that the removal or dismissal of a trustee or trustees is necessary in the best interests of the institution, remove such trustee or trustees, and, where such trusteeship is hereditary, shall appoint a competent adult male member of the family in which such trusteeship is hereditarily vested, and, in other cases, shall make the appointment in consonance with the scheme of management, if any, existing in such institution or the usages of such institution:

Removal of trustee and appointment of another member of the same family, if trusteeship is hereditary.

Provided that, where no competent adult male member of the family is available, the Dewan may, with Our sanction, appoint a proper person to be trustee.

Proviso.

10. For the effective superintendence of endowments referred to in clause (2) of Section 5 of this Act, the Dewan may, with Our sanction, either appoint officers or a Committee consisting of officials and non-officials.

Administration of endowment by officers or Committees.

11. The Dewan may, with Our sanction, from time to time, pass Rules regulating the constitution and the duties of Committees, the qualifications of members and other such matters connected therewith.

The Dewan to make Rules for the constitution and conduct of Committees.

12. In cases where the trusteeship is conferred by election, the Dewan may, with Our sanction, pass Rules regulating such election.

The Dewan to make Rules for regulating election.

13. The Dewan may, with Our sanction, withdraw from the management or superintendence of any endowment assumed under this Act and restore the same to the original donors or trustees or their representatives, if he is satisfied that such a measure is desirable in the interests of the institution, subject to such conditions as he may deem fit to prescribe at the time of restoration.

14. All expenses which may have to be incurred by the Sirkar in carrying out the provisions of this Act may be defrayed out of the funds of the institutions concerned according to the Rules to be made from time to time by the Dewan, with Our sanction.

15. The Dewan may, with Our sanction, direct that the rents and other dues of any Hindu Religious Endowment be collected as arrears of public revenue under the provisions of the Revenue Recovery Act (I of 1068):

The Dewan to direct the collection of rents, &c., of trusts

Provided :—

(a) that in the case of endowments assumed by the Sirkar whether before or under this Act, the rent-roll is settled and the liability of each tenant is definitely recorded, after due enquiry, by an Officer appointed by the Sirkar, and

Proviso

(b) that, in case of other endowments, there are written agreements between the institutions and the tenants fixing the amount of rent and other dues, or the claim to the rent or other dues is admitted by the tenant or established by the decision of a competent Civil Court.

16. It shall be competent to Our Dewan to prescribe the necessary Forms for accounts, statements and returns to be



submitted by trustees, Officers or committees under this Act, and, with Our sanction, to frame Rules from time to time for the carrying out of the purposes of this Act, and they shall be published in the Government Gazette and shall have the force of law.

17. No action for damages shall lie against the Sirkar or any of its officers or any of the members of the committee appointed under this Act or against any person acting under, or in pursuance of the authority conferred by this Act, for any act *bona fide* done or ordered to be done under this Act:

Members of committee, &c., not liable for damages

Provided that this Section shall not bar the institution by any person of any suit for the establishment or declaration of any right affected by any act or order done or passed under this Act.

Proviso

18. All endowments falling under this Act shall be treated as corporation sole and shall sue and be sued in the name of the actual manager thereof, known as Samudayam, Manushyam, Adhigari or by any other name, whether or not such manager has the power of entering into contracts binding the endowment.

Managers authorised to sue and be sued.

19. Nothing in this Act shall be taken as in any manner affecting the provisions of Section 511 of the Civil Procedure Code (Act II of 1065), or the right, if any, possessed or enjoyed by any person to share in the income of an endowment.

Section 511 of the Civil Procedure Code to apply to these endowments.

\* 20. All unassigned lands belonging to any Devaswom under the sole management of Our Government shall be deemed to be property of Our Government under the Land Conservancy Act, of 1091 (IV of 1091), and all the provisions of that Act shall, so far as they are applicable, apply to such lands.

Land Conservancy Act to apply to lands of Devaswoms under Government management.

*Cypres applica-  
tion of endow-  
ment of surplus.*

21. (1) Our Dewan may, after holding an inquiry in such manner as he may deem fit, by order with Our previous sanction, declare that the purpose of a religious endowment has from the beginning been, or has subsequently become impossible of realisation or that the machinery for effectuating the original purposes of the endowment has failed or no longer exists, or that after satisfying adequately the purposes of the endowment and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the endowments there is a surplus which is not required for such purposes; and may, by such order, direct that the amount of the endowment, or such surplus as is declared to be available, as the case may be, be appropriated to religious, educational or charitable purposes not inconsistent with the objects of such endowment;

*Provided that in the case of an institution founded and maintained by a community, the amount of the endowment or the surplus shall, as far as possible, be utilised for the benefit of the community for the purposes mentioned above.*

- (2) It shall be competent for Our Dewan when giving a direction under sub-section (1) to determine what portion of such amount or surplus shall be retained as a reserve fund for the institution and to direct the remainder to be appropriated to the purposes specified in that sub-section
- (3) Our Dewan may at any time by order and in the manner provided in sub-section (1) modify or cancel an order passed under that sub-section.
- (4) All orders passed under this section shall be published in Our Government Gazette.

## **ACT IV OF 1100.**

**PASSED UNDER DATE THE 7TH KARKATAKAM 1100  
CORRESPONDING WITH THE 22ND JULY 1925, UNDER  
S 20 OF THE TRAVANCORE LEGISLATIVE  
COUNCIL ACT II OF 1097.**

1. This Act shall be called the Hindu Religious Endow-  
Short title and commencement ments (Administration) Act and shall come into  
force immediately.

2. Our Government may, by notification in the Govern-  
ment Gazette, appoint any person by name, or by virtue of his  
office, to exercise all or any of the powers conferred upon Our  
Dewan under the Hindu Religious Endowments Act, III of 1079.

## ACT IV OF 1123

### THE HINDU RELIGIOUS ENDOWMENTS (ADMINISTRATION) (REPEALING) ACT 1123.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE  
UNDER DATE THE 10TH MEENAM 1123 CORRESPONDING TO THE  
23RD MARCH 1948.

#### *An Act to repeal the Hindu Religious Endowments (Administration) Act.*

Whereas it is expedient to repeal the Hindu Religions  
Endowments (Administration) Act (IV of 1100);

Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hindu Religious  
Endowments (Administration) (Repealing) Act, 1123.

Short title and  
commencement.

(2) It shall come into force at once.

2. The Hindu Religious Endowments (Administration)  
Act (IV of 1100) is hereby repealed.

Repeal of Act  
IV of 1100.

SIGN MANUAL.

## ACT V OF 1123.

### THE HINDU RELIGIOUS ENDOWMENTS (AMENDMENT) ACT, 1123.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE  
UNDER DATE THE 10TH MEENAM 1123 CORRESPONDING TO THE  
23RD MARCH 1948.

Whereas it is expedient further to amend the Hindu  
Religious Endowments Act of 1079, (Act III of  
Preamble 1079) as amended by Acts VI of 1088, III of 1092,  
III of 1110, XVI of 1115 and VIII of 1116 for certain purposes ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Hindu Religious  
Short Title, and  
Commencement Endowments (Amendment) Act, 1123.

(2) It extends to the whole of Travancore.

(3) It shall come into force at once.

2. (1) In sub-section (1) of Section 5 of the Hindu Reli-  
gious Endowments Act of 1079 (Act III of 1079)  
as amended by Acts VI of 1088, III of 1092, III  
of 1110, XVI of 1115 and VIII of 1116 (herein  
Amendment of  
Section 5, Act III  
of 1079 after referred to as the said Act) for the words "the  
Sirkar," the word "We" shall be substituted.

(2) In clause (c) of sub section (1) of Section 5 of the  
said Act, for the words "the Sirkar has," the words  
"We have" shall be substituted.

(3) In clause (d) of sub-section (1) of Section 5 of the  
said Act, for the words "the Sirkar has" the words  
"We have" shall be substituted.

- (4) In sub-section (2) of Section 5 of the said Act, for the words "the Sirkar," the word "We" shall be substituted.

3. In sub-section (1) of Section 6 of the said Act, the words "by the Sirkar" occurring in the proviso to that sub-section shall be omitted.

*Amendment of Section 6, Act III of 1079.*

4. In Section 8 of the said Act—

- (1) for the words "the Sirkar assumes," the words "We assume" shall be substituted ;

*Amendment of Section 8, Act III of 1079.*

- (2) the word "Sirkar" occurring for the second time in the section shall be omitted.

5. In Section 9 of the said Act—

- (1) for the words "the Sirkar exercises," the words "We exercise" shall be substituted ;

*Amendment of Section 9, Act III of 1079.*

- (2) for the word "it," the word "We" shall be substituted.

6. In Section 14 of the said Act the words "by the Sirkar" shall be omitted.

*Amendment of Section 14, Act III of 1079.*

7. In proviso (a) to Section 15 of the said Act—

- (1) the words "by the Sirkar" shall be omitted ;

*Amendment of Section 15, Act III of 1079.*

- (2) the words "by an officer appointed by the Sirkar" shall be omitted.

8. In Section 17 of the said Act for the words "the Sirkar or any of its officers," the words "any officer" shall be substituted.

*Amendment of Section 17, Act III of 1079.*

9. In Section 20 of the said Act, for the words "the sole management of Our Government," the words "Our sole management" shall be substituted

Amendment of  
Section 20, Act  
III of 1079

10. In the said Act, for the words "Our Dewan" or "the Dewan" wherever they occur, the words "the Devaswom Commissioner" shall be substituted.

'The Devaswom  
Commissioner' to  
be substituted for  
'Our Dewan' or  
the Dewan

SIGN MANUAL

## ACT III OF 1079.

### THE HINDU RELIGIOUS ENDOWMENTS ACT.

*(As amended by 'Acts VI of 1088, III of 1092, III of 1110, XVI of 1115, VIII of 1116 and V of 1123.)*

AN ACT TO PROVIDE FOR THE BETTER ADMINISTRATION  
OF CERTAIN HINDU RELIGIOUS ENDOWMENTS  
IN TRAVANCORE.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE  
ON THE 13TH DECEMBER 1903 CORRESPONDING  
WITH THE 28TH VRISCHIKOM 1079,  
UNDER SECTION 13 OF  
ACT V OF 1073.

Whereas it is expedient to provide for the better administration of certain Hindu Religious Endowments  
*Preamble.* in Travancore;

It is hereby enacted as follows:—

1. This Act shall be called "The Hindu Religious  
Endowments Act of 1079", and shall come into  
*Short title and Commencement* force on the first day of Makaram 1079.

2. It extends to the whole of Travancore.  
*Local extent.*

3. In this Act, unless there be something repugnant in the subject or context, "Hindu Religious Endowments" shall mean and include:—  
*Interpretation Clause.*

(a) every Hindu temple or shrine or other religious endowment dedicated to, or used as of right by the Hindu community or any section thereof; and  
*"Hindu Religious Endowments"*



- (b) every other Hindu endowment or foundation, by whatever local designation known, and property endowments and offerings connected therewith, whether applied wholly to religious purposes or partly to religious and partly to charitable or other purposes, and every express or constructive trust by which property or money is vested in the hands of any person or persons by virtue of hereditary succession or otherwise for such purposes;

Proviso. but shall not include any Hindu religious institution belonging to and under the sole management of a single family: Provided that, where the management of a religious endowment has passed into the hands of several branches by division among the members of the original family, the endowment may nevertheless be considered as being in the management of a single family for the purpose of this Act.

*Explanation:—*The expression "hereditary succession" shall include succession to a "Guru" by a disciple by nomination or otherwise.

"Trustee" shall mean the person or persons in whom the administration of the affairs of a religious endowment is vested in trust or holding any property in trust therefor, by whatever designation such person or persons may be known.

4. It shall be competent to Devaswom Commissioner, by

Power of the Devaswom Commissioner to call upon trustees of endowments to submit periodical accounts lists of properties, &c, and power of officer deputed to require them to furnish records or information or to assist in his examination of accounts, &c.

a notice, to call upon the trustees or managers of any endowment falling under the definition in Section 3, to submit periodical accounts of income and expenditure, or lists of properties, jewels, vessels furniture, or other things belonging to the endowments under their charge, or depute any Officer to examine and verify the same.

It shall also be competent to the Officer so deputed to call upon the trustees and managers, by a notice, to furnish him with all the accounts or other records or information he may require for the purpose of examination and verification and also to assist him in the examination of accounts and movable property.

The notice shall be served in the manner prescribed by the Code of Civil Procedure for the service of summons.

Where the Officer deputed under this section finds that any movables are likely to be removed or misappropriated, he shall make an immediate report to the Devaswom Commissioner taking such steps for their temporary safe custody as may be necessary. On receipt of such report, the Devaswom Commissioner may, after hearing the parties concerned, pass such orders as he may think proper.

Any trustee or manager who wilfully or contumaciously disobeys any order passed by the Devaswom Commissioner or any notice issued under this section, shall be liable to a fine not exceeding rupees fifty for each act of disobedience and to dismissal if he is found guilty of three such acts of disobedience. The fines imposed under this Section may be recovered as arrears of public Revenue.

\* The power to award punishments under this section shall be vested in Devaswom Commissioner.

5. (1) We may assume the management of Hindu religious endowments in the cases following:—

Cases where the Sovereign may assume management or superintend the management of endowments.

- (a) On the application and the request of a majority consisting of not less than two-thirds of the trustees, or of the donors in cases where the donors have reserved to themselves the power of appointing and dismissing trustees;
- (b) On the refusal of the trustees to continue in the trusteeship or on their own admission of incapacity to continue in the trust-management ;
- (c) In cases where We have the right to take part in the management by appointment of certain officers or servants according to existing usages, if the trustees have failed to carry on their duties properly and in the best interests of the institution ;
- (d) In cases where We have succeeded to the right of management, in part, by reason of escheat of trustees, if the remaining trustees have failed to carry on their duties properly and in the best interests of the institution ; and
- \*(e) In cases of proved mismanagement although the institutions do not fall under sub-clause (c) or sub-clause (d) of clause (1) of this section.

*Explanation to (a).*—The word “donors” includes the legal representatives of the donors.

- †(2) Notwithstanding anything contained in clause (1) We may exercise such superintendence in the

\* Added by Act VIII of 1116.

† Amendments added by Act VI<sup>1</sup> 1116. {

management over any institution to which this Act applies as to best fulfil the objects of the trust, if the trustees have failed to carry on their duties properly and in the best interests of the institution.

6. (1) Before assuming or exercising superintendence in the management of any Hindu religious endowment under the provisions of this Act, the Devaswom Commissioner shall require an officer not inferior in rank to an Assistant Peishkar or a Devaswom Assistant Commissioner to enquire into the affairs of such endowment and to submit a full report. If, on such report, and after hearing the parties interested or affected, Devaswom Commissioner be satisfied that a condition precedent as set forth in Section 5 exists, he may pass such order for 'assumption or superintendence as enabled by that section. The order passed shall be notified in the Gazette. From the lapse of eight weeks from the date of such notification, the Devaswom Commissioner may carry out the order in such manner as seems best in the circumstances of each case, and make arrangements for the proper management of the endowment, subject to the provisions of this Act. Provided that no order involving assumption of the management of any institution under this section shall be passed except with Our previous sanction.

- \* (2) Where an order is passed under sub-section (1), Devaswom Commissioner may pass such other or further orders as he may deem necessary, incidental

Enquiry and report of condition of endowment preliminary to assumption or exercising superintendence in the management

or conducive to the carrying out of the order including orders for the search or seizure of the keys, jewels, vessels, furniture, records and other properties movable or immovable belonging to the said institution, or for the transfer of their possession to such person or persons as the Devaswom Commissioner may direct.

- \* (3) If a trustee or servant of an institution or any other person knowing that an order under sub-section (1) or sub-section (2) has been passed, disobeys any direction contained in such order or otherwise fails to comply with the requirements of the said order within the period prescribed in such order, or if no such period is prescribed, within a reasonable time, the Devaswom Commissioner may impose upon him a fine not exceeding Rs. 50 for each day during which disobedience or default continues and he shall also be deemed to have committed an offence under Section 181 of the Travancore Penal Code :

*Provided that the Devaswom Commissioner may also in his discretion, if sufficient cause or excuse is shown, cancel any order imposing fine which he has passed under this section.*

7. Enquiries under Section 6 of this Act shall be conducted in the presence of the parties interested in such enquiry or their authorised agents, and the Officers holding such enquiry shall have the same powers as an Officer holding a formal Departmental enquiry under Act VI of 1073.

Procedure like  
Act VI of 1073

8. In cases where We assume the management, the institution shall be managed in the same manner as Sirkar institutions of the same class, subject to the provisions of any scheme, canons or usages, if any, established by the founder or founders.

Assumed institutions to be managed like other institutions of the same class.

9. Where We exercise the power of superintendence over institutions referred to in clause (2) of Section 5, We may, if satisfied that the removal or dismissal of a trustee or trustees is necessary in the best interests of the institution, remove such trustee or trustees, and, where such trusteeship is hereditary, shall appoint a competent adult male member of the family in which such trusteeship is hereditarily vested, and, in other cases, shall make the appointment in consonance with the scheme of management, if any, existing in such institution or the usages of such institution:

Removal of trustee and appointment of another member of the same family, if trusteeship is hereditary.

Provided that, where no competent adult male member of the family is available, the Devaswom Commissioner may, with Our sanction, appoint a proper person to be trustee.

Proviso.

10. For the effective superintendence of endowments referred to in clause (2) of Section 5 of this Act, the Devaswom Commissioner may, with Our sanction, either appoint officers or a Committee consisting of officials and non-officials.

Administration of endowment by officers or Committees.

11. The Devaswom Commissioner may, with Our sanction, from time to time, pass Rules regulating the constitution and the duties of Committees, the qualifications of members and other such matters connected therewith.

The Devaswom Commissioner to make Rules for the constitution and conduct of Committees.

12. In cases where the trusteeship is conferred by election, the Devaswom Commissioner may, with Our sanction, pass Rules regulating such election.

The Devaswom Commissioner to make Rules for regulating election.

13. The Devaswom Commissioner may, with Our sanction, withdraw from the management or superintendence of any endowment assumed under this Act and restore the same to the original donors or trustees or their representatives, if he is satisfied that such a measure is desirable in the interests of the institution, subject to such conditions as he may deem fit to prescribe at the time of restoration.

The Devaswom Commissioner may restore to donors or trustees endowments once assumed

14. All expenses which may have to be incurred in carrying out the provisions of this Act may be defrayed out of the funds of the institutions concerned according to the Rules to be made from time to time by the Devaswom Commissioner with Our sanction.

Expenses how to be met

15. The Devaswom Commissioner may, with Our sanction, direct that the rents and other dues of any Hindu Religious Endowment be collected as arrears of public revenue under the provisions of the Revenue Recovery Act (I of 1068):

The Devaswom Commissioner to direct the collection of rents, &c., of trusts

Provided :—

(a) that in the case of endowments assumed whether before or under this Act, the rent-roll is settled and the liability of each tenant is definitely recorded after due enquiry, and

Proviso

(b) that, in the case of other endowment, there are written agreements between the institutions and the tenants fixing the amount of rent and other dues, or the claim to the rent or other dues is admitted by the tenant or established by the decision of a competent Civil Court.

22-2-11

16. It shall be competent to the Devaswom Commissioner to prescribe the necessary Forms for accounts, statements and

returns to be submitted by trustees, Officers or committees under this Act, and, with Our sanction, to frame Rules from time to time for the carrying out of the purposes of this Act, and they shall be published in the Government Gazette and shall have the force of law.

**17.** No action for damages shall lie against any officer or any of the members of the committee appointed under this Act, or against any person acting under, or in pursuance of the authority conferred by this Act, for any act *bona fide* done or ordered to be done under this Act:

Members of committee, &c., not liable for damages

**Provided** that this Section shall not bar the institution by any person of any suit for the establishment or declaration of any right affected by any act or order done or passed under this Act.

**18.** All endowments falling under this Act shall be treated as corporation sole and shall sue and be sued in the name of the actual manager thereof, known as Samudayam, Manushyam, Adhigari or by any other name, whether or not such manager has the power of entering into contracts binding the endowment.

Managers authorised to sue and be sued.

**19.** Nothing in this Act shall be taken as in any manner affecting the provisions of Section 511 of the Civil Procedure Code (Act II of 1055), or the right, if any, possessed or enjoyed by any person to share in the income of an endowment.

Section 511 of the Civil Procedure Code to apply to these endowments.

**20.** All unassigned lands belonging to any Devaswom under Our sole management shall be deemed to be property of Our Government under the Land Conservancy Act, of 1091 (IV of 1091), and all the provisions of that Act shall, so far as they are applicable, apply to such lands.

Land Conservancy Act to apply to lands of Devaswoms.



Cypres applica-  
tion of endow-  
ment of surplus.

21. (1) The Devaswom Commissioner may, after holding an inquiry in such manner as he may deem fit, by order with Our previous sanction, declare that the purpose of a religious endowment has from the beginning been, or has subsequently become impossible of realisation or that the machinery for effectuating the original purposes of the endowment has failed or no longer exists, or that after satisfying adequately the purposes of the endowment and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the endowments there is a surplus which is not required for such purposes; and may, by such order, direct that the amount of the endowment, or such surplus as is declared to be available, as the case may be, be appropriated to religious, educational or charitable purposes not inconsistent with the objects of such endowment;

Provided that in the case of an institution founded and maintained by a community, the amount of the endowment or the surplus shall, as far as possible, be utilised for the benefit of the community for the purposes mentioned above.

- (2) It shall be competent for the Devaswom Commissioner when giving a direction under sub-section (1) to determine what portion of such amount or surplus shall be retained as a reserve fund for the institution and to direct the remainder to be appropriated to the purposes specified in that sub-section.
- (3) The Devaswom Commissioner may at any time by order and in the manner provided in sub-section (1) modify or cancel an order passed under that sub-section.
- (4) All orders passed under this section shall be published in Our Government Gazette.

## PROCLAMATION

BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE,  
ISSUED UNDER DATE THE 1ST EDAVOM 1068  
CORRESPONDING TO THE 13TH MAY 1893.

Whereas Inams attached to specific services of any description have, from their nature and immemorial usage, been recognised as inseparable from the services for which they are granted, and inalienable; and whereas doubts have arisen as to the effect of paras 6 and 7 of Section 24 of the Royal Proclamation dated 24th February 1886/14th Kumbhom 1061 in respect of such Inams; and whereas it is expedient in the interests of the services concerned to remove such doubts; We are pleased to declare as follows:—

1. The provisions of paras 6 and 7 of Section 24 of the Royal Proclamation dated 24th February 1886/14th Kumbhom 1061 shall not be taken to apply to Service Inams described in para 1 of the same Section.

2. All alienations of Inam lands attached to specific services of any description which have been or which may hereafter be made, contrary to past usage, shall be treated as null and void. And it shall be competent to Our Government to resume the lands so alienated and re-attach them to the services:

Provided that Our Government may, at its discretion, deal with the resumed lands and the services connected therewith in any other manner it may deem fit.

3. No Civil suit shall lie against Our Government in respect of anything done under the last preceding Section.

## PROCLAMATION

BY HIS HIGHNESS THE MAHA RAJA OF TRAVANCORE,  
ISSUED UNDER DATE THE 29TH MEDAM 1068  
CORRESPONDING WITH THE  
11th MAY 1913.

Whereas certain services in Our Devaswoms, such as Tantram, Santhi, Kazhakom, &c., had been formerly granted to and are being enjoyed as Karanma by certain families, And whereas the holders of the said Karanma services had also been granted landed property, or Thiruppuvarom, or other emoluments, as remuneration for the due performance of the services; And whereas it has now been represented to Us that the holders of the said Karanma services, owing to incompetency, negligence or other cause, do not generally perform such services properly any regularly, and also that some families holding the said Karanma have alienated the services or properties or Thiruppuvaroms or other emoluments attached thereto for pecuniary consideration or otherwise, And whereas We consider it essential that, in the interests of Our Devaswoms, the said services should all be duly performed; And whereas, for an efficient administration of Our Devaswoms, it is necessary to declare that Our Government have absolute control over the holders of all Karanma services and also over all the properties, Thiruppuvaroms and other emoluments attached thereto, We are hereby pleased to command that, whenever it is reported to Our Government that, owing to incompetency, negligence or other cause, any Karanma service is not being properly and regularly performed, or that an alienation of a Karanma service, or of the property, Thiruppuvarom or other emolument attached thereto, has been effected by the Karanma holder or by any member or

members of the Karanma family, Our Government shall give due notice of the charge to the head of the family and the next senior member, and also to the alienor or defaulter if he is neither the head nor the next senior member, and also to such other members of the Karanma family as Our Government may deem necessary, and if, after hearing their objections, if any, Our Government are satisfied that there has been an alienation of the Karanma service or of the property or of the Thiruppuvarom or of the other emolument attached thereto, or that, owing to incompetency, negligence or other cause, there has been a failure to perform the service properly or regularly, Our Government shall suspend, remove, determine, cancel, or deal with in any other manner the Karanma right of the family to the service and We are further pleased to command that the decision of Our Government that any service or property or Thiruppuvarom or other emolument attached thereto has been alienated, or that, owing to incompetency, negligency or other cause, any service has not been properly or regularly performed, shall be final, and that no action shall be in any Court against Our Government for any act done or ordered to be done in pursuance of this Proclamation.

## APPENDIX I.

### ANU OF SANNAD ADDRESSED TO THE NINE MUKATHU SARVADHIKARIAKARS

987 M. E.

Devaswom affairs in this country have long been the subject of my anxiety, because the landed properties of the Devaswoms are uncultivated and yield no revenue and, on account of frauds, there are heavy arrears and defaults in ceremonies in the Devaswoms. Frauds and discrepancies are taking place in the expenditure laid down for the Devaswoms and in connection with Pattuparivattam (cloth for the idol), Thiruvabharanam (ornaments for the idol) and temple vessels. I am fully convinced from the petitions received from the respective Mandapathuvathukkal Kariakars that these circumstances are due to damages taking place in several ways and to the temples not being thatched and repaired from time to time (the rest of the sentence yields no connected meaning, the original being marked as damaged in several places). Action should be taken in respect of those matters as directed below. The respective Mukhathu Sarvadhikariakars and the Kariakars should keep Devaswom affairs under their control. In the same way as steps are taken for the cultivation of Pandaravagai properties and the collection of taxes therefrom when loss of revenue is caused on any account in respect of them, similar measures should be taken in regard to the Devaswom fields and the cultivation of the uncultivated Devaswom lands; and the cost of seeds and labour therefor should be fully realised, and the paddy money collected from the Devaswom lands should, in the same way as Pandaravagai money is remitted in the Huzur Treasury, be remitted to the Mandapathuvathukkal

and expended, according to mamool, for the pooja ceremoney. With regard to the opening and inspection of the rooms in which the Devaswom Thiruvabharanam, Parivattam, etc., are kept, the Sarvadhikariakar, Melazhuthupillai, the respective Mandapathuvathukkal Kariakar, and the Thirumukham pidicha pillai should have them opened in their presence, inspect the above (damaged) prepare a list showing the (damaged) possessed by each Devaswom, send one copy of the list to the Huzur and another to the Maharaja and take the necessary measures to prevent any loss of the articles mentioned above. The respective Mandapathuvathukkal Kariakars should look after the Nithyanidanam, Pooja ceremony, Masavishesham, Attavishesham and the repair works of the Devaswoms and see that they are properly conducted. The Kuriakars will be held responsible for the contravention of this order and any default in the conduct of the above mentioned ceremonies. Whoever fails to bear this in mind and duly manage Devaswom affairs as described above and cause default in any particular matter, will, on being reported to me then and there, be dismissed from service at once. Furthermore, as there are extensive landed properties belonging to Devaswoms, their revenue should be fully collected and remitted; waste lands should be cleared and cultivation conducted by payment of the cost of seeds and labour from the Devaswoms in the same way as directed in the order regarding the cultivation of uncultivated Pandaravagai lands by the payment of the cost of seeds and labour where necessary; Kaicharthu (title-deeds) should be given to Devaswom tenants in the same way as they are issued to Pandaravagai tenants; Devaswom garden lands should be settled in the same way as ordered in the case of (Pandaravagai) garden lands and their revenue should be collected and remitted as directed above; and Devaswom accounts should be prepared and submitted to the Huzur then and there in the same way.

the D. C. B. accounts of Pandaravagai are prepared and submitted every month. Some of the Devaswoms being situated in the hill tracts, I think that thieves are emboldened by the nearness of the forests to seal and plunder the properties of such Devaswoms. On receipt of a report as to which of the temples are situated in the hill tracts and what are the properties belonging to them orders will issue appointing Nairs or sepoy to guard them.

COL. MUNRO.

3rd Kanni 987.

## **APPENDIX II.**

### **MR. RAMACHANDRA RAO'S REPORT ON STATE CHARITIES AND DEVASWOMS**

## **PART II-DEVASWOMS**

### **CHAPTER I**

#### **INTRODUCTION**

#### **SIRKAR DEVASWOMS**

According to the Daza Jabba table of Travancore given by Lieutenants Ward and Conner, there are in this country 3,662 principal temples dedicated to superior divinities, 15,862 temples and groves dedicated to several minor divinities and 871 public religious buildings. Of these, 378 major temples of varying degrees of importance and 1,171 minor ones are, according to the Administration Reports of 1048 and 1049, supported by the State. The former are known as incorporated temples from the circumstance that the details of their expenditure are brought to book. The latter are known as unincorporated temples. The Sirkar makes some fixed payments to these latter institutions generally to the Proverthikaran or some other individual, and he is supposed to manage their affairs.

2. The annual financial statement of 987 shows that in the said year about 348 temples were assumed by the Sirkar. The remaining Devaswoms were assumed at some other time and a few of them probably even anterior to 987. There is a difference in the number of temples between the returns received



from the taluks and the statement contained in the Administration Report just cited. I shall refer to this subject later on.

3. Of the unincorporated temples, some are private institutions managed by trustees or Ooranmakars &c. The rest are wholly under Sirkar management.

4. Besides the institutions assumed as above, there are a few others whose management has devolved on the Sirkar, in recent times, wholly or partially, by the consent of the trustees, or by reason of escheat (the lion of all or some of the trustees having become extinct), or by reason of the incapacity of Ooranmakars for management. Such institutions are at first classed as unincorporated Devaswoms and are afterwards transferred to the incorporated class. The Ooranma temple of Thoravoor is an instance of assumption due to mismanagement of the Ooranmakars. The temple of Kavyoor was taken into the category of incorporated temples recently for similar reasons.

5. In addition to the temple institutions mentioned above there are a few others which are treated differently. They are not classed with the incorporated and unincorporated Devaswoms. Their properties are kept intact and the expenditure is confined to the income.

6. Dewan Mr. Sashiah Sastri has written as follows in his first Administration Report. "The State had no concern with the management of any temples before the year 987 when the landed property of 378 temples was assumed by the State and the management taken over. The other minor temples 1,171 in number which had no property, were also assumed either before or at that date. The expenditure, establishments, and the routine of ceremonies, rules for management, all were settled on this occasion on a prominent basis." This passage appears to be

inaccurate in part and ambiguous as to the rest. The inaccurate statements are those relating to the number of temples assumed in 987 and to the solvency of the minor temples which were assumed. The accounts of 987 show, as already observed, that only 348 of the incorporated temples were assumed in that year. The correct number of minor temples assumed, appears to be about half of Mr. Sashiah Sastri's figure including a few which have now ceased to exist. The remaining temples included in the category by Dewan Sashiah Sastri are private institutions receiving contribution from the State. Some of these minor temples have properties though they are not considerable in value. The ambiguity I referred to is regarding the signification of the expression "on a permanent basis" which is declared to be the character of the settlement made in 987. Does the expression mean that the institutions are not entitled to any relief whatever beyond the amount fixed in 987 though owing to the general advance of prices the money allotment made then may be found inadequate or, does the expression simply mean that the padivu fixed in provisions should be adhered to for all time to come? This is a matter which requires careful consideration and depends for its solution on the nature of the act of assumption. I shall not say more on the subject here. The properties of Sirkar incorporated and unincorporated Devaswoms are, in the words of the late Dewan Mr. Shungrasobier, treated "to all intents and purposes as "Sirkar." Probably he meant simply to convey that these Devaswom lands are treated for purposes of assessment on principles equally applicable to similar tenures of Sirkar lands. The language is ambiguous and seems to me to indicate some hesitation in his mind as to the real character of the relation of the Sirkar to such lands. The universal belief among the people is that the properties of Sirkar Devaswoms stand on same footing as Sirkar lands of similar tenures and that the rights of

alination and property possessed by the holders of Sirkar Devaswom lands are entirely identical with the rights of the holder of Sirkar lands of a similar tenure. The lands of the Kavyoor pagoda were recently assessed on principles similar to those obtaining in respect of Sirkar lands. This procedure is favourable to the holders and wholly prejudicial to the institutions concerned. This most obvious disadvantage to the institutions consists in the fact that the rent of its lands would no longer be paid in kind, but would be paid only in money at commutation rate which is far below the market value.

7 The assumption of Devaswoms by the Sirkar contributed, in one important respect at least, to their welfare. Though owing to the multitude of such institutions and the pecuniary of their management, their administration cannot be said to be all that is desirable, there is no gainsaying the fact that their landed properties have not been wasted as those of many private institutions are. But their assumption has proved prejudicial to the interests of the institutions in an indirect manner. The public have ceased to take interest in their condition owing to the acknowledged responsibility of Government to maintain them efficiently and the general ignorance of the people about their actual financial position. The general impression is, that most of these institutions are fabulously wealthy and that the Sirkar is making a huge profit from their resources. That the impression has gained ground need not surprise us. The late Dewan Krishna Row has stated in THE SELECTIONS FROM THE RECORDS OF TRAVANCORE, that the income of the Valia Chalay pagoda at Trivandrum "was very considerable before it was assumed by the Sirkar." It is not quite clear whether the remark had reference to the receipts of the Devaswom from its landed properties or to its income from other sources such as offering &c.

The income of this pagoda from its landed properties as seen from the information supplied by the Settlement and Taluk authorities is below 900 paras of paddy and 217 fs. According to the Settlement Register, it is 897 paras and 216 fs. and according to the Taluk figures it is only 731 paras and 213 fs. The scale of expenditure fixed for this temple is, however, 8,114 paras of paddy and 7,954 fs. omitting fractions. If in this state of things Dewan Krishna Row's observation be taken as correct, there is some justification for the popular impression adverted to.

8. Another circumstance which has contributed in no small measure to the waning of popular interest, is the belief that offerings made to pagodas are not wholly utilized for purposes for which they are intended by the donors. A conspicuous case of the fall in the income from private votive offerings has come to my notice. The pagoda at Aranmula is one of some note. The contribution of the Sirkar to this pagoda according to Dewan Krishna Row's memorandum is 33,375 fs. The Nadavaravu of this pagoda used to be as high as Rs. 900 annually as will be seen from the following statement:—

Year	Paras	Rs.
1077	42	711
1078	42	940
1079	40	821
1080	32	843
1081	48	493

The paddy is offered before the Utsavam, when the image is carried in procession through the villages, for the purpose of collecting the same, each villager being excepted to contribute a para of paddy. This head does not show any decline. But the money offerings have gone down perceptibly. In reliance upon the stability of this income, a complement of 11 peons with a

head peon costing about Rs. 60 a month was entertained some time ago, avowedly, with the object of strengthening the watching establishment of the pagoda. And it is popularly alleged that with the enlistment of this large contingent, the offerings have declined. It is also believed that all these hands are not actually wanted for service in the pagoda and that they are often detailed for various items of work, which legitimately belong to the taluk establishment. This belief is not unfounded, as I have known cases were, even members of the ordinary clerical establishment of the temples are indented upon for office work in taluk cutcheries, permanently, though I have not been able to obtain confirmation of this impression as I fondly expected, from the statements I called for regarding the particulars of the work assigned to the various servants in the establishment. The Tahsildar of Tiruvalla, Mr. Palpoo Pillai B. A., told me that owing to the fall in the offerings the pay of newly organised band of peons at Aranmula was in arrears and that he had found it necessary to reduce the hands. This was in the early part of Avani last. I may refer here to another incident which I noticed when I visited this pagoda. I noticed that private individuals contributed a large supply of gingelly or other oil for daily lighting. The whole of this oil is not supplied to the temple authorities. Oil intended for lighting the sanctuary is handed over to the Santhikaran, and the rest is poured into the lamps outside the pagoda according to the fancy of the person who makes the offering.

9. This coolness of popular feeling is further responsible, in a way, for the numerous temples which are in a state of disrepair. In former times, when the Sirkar temples were managed by their trustees, the people came forward with liberal contributions to supplement temple funds, when any work of repair or new construction had to be undertaken. The Haripad

temple contains a magnificent structure which is the gift of a company of Nair Brigade Sepoys once stationed in that locality for defensive purposes. The temple itself is reported to have undergone extensive and costly repairs some years ago, during the reign of His Highness Ayilliam Maha Raja. The funds for the same amounting to tens of thousands of rupees were collected from voluntary subscriptions raised by the people among themselves. The religious spirit is not dead in Travancore, but it is only dormant. It requires prompting and careful nursing. In dealing with the subject of temple repairs, I feel it would not be out of place to allude to the system under which necessary funds are collected in Ooranma temples, at the present day, from the Devaswom tenants. These tenants are generally bound according to the terms of their lease deeds to pay a certain proportion of the michavarom annually due from them, on occasions of repairs and Kalasoms. This system has, I need hardly say, disappeared altogether in the case of the temples assumed by the Sirkar.

10. The remarks I have hitherto made do not apply to the most celebrated of the Travancore temples, *viz.*, that of Sri Padmanabhaswamy. It is not one of our so called incorporated temples. The following quotation from Dewan Sashiah Sastri's Report explains the position of this pagoda. "It has a Government of its own unconnected with the State. The sovereign has but half a vote among the governing body, which consists of one Namboori Swamyar, 16 Potti Brahmins and one Nair Nobleman (possessing with others a single vote) who constitute the Honorary Trustees. By virtue of half a vote enjoyed by the Sovereign, the whole management and supervision of the temple vests in the Sovereign who appoints the necessary establishments and arranges for the due performance of service."

11. The State makes contributions to several pagodas of note outside its territorial limits. Some of these temples are in

British India, while others are situate in the sister State of Cochin.

12. From what I have set forth, it will be seen that none of the Devaswom institutions with which we are concerned, was founded directly by the State and that the State interference with them has been both beneficial and prejudicial to there interests. I have quoted Dewan Sashiah Sastri's observations about the settlement made by the Sirkar in 987 for the ordinary and extraordinary expenditure in these institutions And I have further referred to the hesitation with which Dewan Shungarasobier referred to the question of the character of the ryots holding Devaswom-pattom and other tenures There are numerous hereditary servants in these institutions and their status is a question of some difficulty. To correctly comprehend all these points and settle complicated problems that await solution in respect of the financial treatment of these institutions, it is necessary to have a general idea of the original character of these institutions, their financial situations at the time of the assumption and the character of the assumption. I shall deal with these points in the next chapter.

## CHAPTER II

### A GENERAL RETROSPECT OF THE HISTORY OF SIRKAR DEVASWOMS, THEIR FINANCIAL POSITION AND THEIR RELATION TO GOVERNMENT.

The subject of the origin of Devaswoms in Malabar and their connection with the sovereign power is discussed briefly by His Highness the late Maha Raja, in the following extract, from a contribution of his, to a Calcutta Magazine:—"Here we should pause a while to examine briefly the origin and the nature of these heirarchical rights. According to all legends and all available evidence, the Malabar Coast was populated by Aryan emigrants from the eastern side of the ghauts. It is equally a fact that the priestly class not only predominated among the emigrants, but actually monopolised the whole of the land of their adoption to themselves, the rest of the emigrant population being their drawers of water and hewers of wood, their serfs or at the most, their tenants-at-will. But to stereotype the configuration of society for all time to come, is as much an impossibility as to fix that of the clouds of the sky. Aggregations and segregations of power, influence and wealth, must ever and anon go on under the guidance of the universal law of struggle for existence and survival of the best. Those priests are the wisest, and consequently the most powerful, who, without directly arrogating secular power to themselves, can bring into the meshes of their moral influence, those in whose hands that universal law places such power. The ecclesiastics of the Malabar Coast knew this as instinctively as the ecclesiastics of Rome. But they had the additional advantage of having something more solid than benedictions and indulgences to confer upon their political-setwards, *viz*, sovereignty of the land which



exclusively belonged to them. They were equally wise and far-sighted in another step they took. They foresaw that the halo of sanctity which encircled themselves might not be proof against the gradual degeneracy of religious feelings which time must produce, and the consequent encroachment upon their supremacy in the land. And they constitutionalized that sanctity by demising large tracts of land and their revenues to certain temples built and consecrated by them. Men who would not hesitate to rob a priest may still hesitate to commit sacrilege on an object of general religious worship. Of these temples, the priests assumed the proprietary wardenship. Almost every temple of note had a synod of these priestly wardens. They invited the leading layman or chief to a membership of the synod and entrusted to him the stewardship of the whole temple domain, subject to their superior authority. Thus arose those rich temples. Thus arose the sovereignties of the Malabar Coast. \* \* \* To say that the temples were endowed by the sovereigns would be to put the cart before the horse." Whatever divergence of views there may be, regarding the general observations contained in the above extract about the motives of the founders of the institutions in question, there can be no difference of opinion about the remarks relating to their origin.

2. The vast accumulation of property under the control of these synods made the latter a powerful political factor in the country, and old records exist to show that these bodies exercised judicial and executive functions which made the Sovereign power in the land a mere shadow and a name. The existence of such powerful bodies in the country led naturally to the springing up of numerous chieftains possessing varying degrees of political power, and their mutual relationship being governed only by considerations of their physical power "war was a normal institutions in the land." This state of things continued with various

and varying fortunes, till there appeared on the scene Raja Marthanda Varma. "He really succeeded to a heritage as thorny as it was poor. The feeble rule of a series of his predecessors had fostered the greed of the surrounding chieftains and the turbulence of internal mal-contents to such an extent that their kingdom was almost a misnomer and their authority little better than a mockery. But Marthanda Varma was one of those whom the world produces but at rare intervals. He was born to command and conquer. He had the best of schooling—that of hardship. He had the best of teachers—foes. He was served by one of the ablest of ministers. Sully did not serve Henry IV of France more ably and faithfully than Ramaya did Marthanda Varma. The Baron de Rossni was the very man to remedy this state of matters, rude, obstinate and haughty, but at the same time resolute, active, indefatigable, wholly devoted to his master's interests. Ramaya was unrelenting, unsparing and often unscrupulous to his master's enemies; but his self was merged completely in that of his master. He was as fearless in the council room as he was in the battlefield. With such a minister at his right hand and with a strong will, abiding patience and indomitable courage, the Raja not only won back what his predecessors had lost, but subjugated, one after another, the neighbouring chiefs who were a perpetual source of trouble." The above graphic description of the state of matters in the country is, I need hardly say, from the pen of the late Maha Raja. But though the chieftains were subjugated by Marthanda Varma, the temple synods continued to exercise their influence and it need not surprise us if it was found that their power was a menace to public security and good Government and that it required to be destroyed or limited. Influenced by those considerations and probably also by the wealth of these institutions and the moral and intellectual degeneracy of the class of persons who held the control of the temples and temple, property, and

apply to the former. Dewan Mr. V. P. Madhava Rao, in his memo regarding the commutation of grain tax into money, has made the following observations. "Further, the Quilon Peishkar ignores the important fact that since the assumption of the Devaswoms by the Government in Col. Munro's administration in 987 M. E. (1812 A. D.) the revenues from the Devaswom lands have been treated like, and incorporated with, the general revenues of the State, that the ryots holding Devaswom lands have been recognised as full proprietors having the same rights and ownership in those lands as the ryots holding under Government, that these lands are settled like other lands and that every measure of administrative reform introduced from time to time whether affecting the system of assessment, commutation rate or the proportion of the tax payable in kind, have been applied as well to Devaswom as to other lands.

6. There is not much in these authoritative declarations of Government which is opposed to the view that the Sirkar occupies only the position of a trustee in regard to the institutions whose management it assumed under the advice of Col. Munro. The arrangement made regarding the tenure of Devaswom properties does not affect the question, so far as I can see, as it is a purely executive act unconnected with the assumption. Dewan Mr. V. P. Madhava Rao's opinion regarding the proprietary rights of the Devaswoms land-holders is the only authoritative declaration which is somewhat opposed to this view. But, after all it is only his individual opinion. The lands are in many cases borne in the Sirkar accounts as lands belonging to Devaswoms. The Madras Government also appear to have shared the same view as is fairly deducible from their request to Dewan Sashiah Sastri to show the revenue derived from Devaswom lands in a separate account. *Vide* Resident's letter No. 613, dated 8th September 1896.

7. It deserves to be noted that the Royal Proclamation of 1040 passed to enfranchise Pandarapattom lands which were till then unalienable, did not deal with Devaswom lands. And accordingly, it was ruled by the High Court, in 17 T. L. R. page 184, "the Proclamation of 1040 relating to Pandarapattom lands does not cover lands held as Devaswompattom under the Sirkar and the tenants holding lands on Devaswompattom under the Sirkar must be treated as other tenants." This ruling followed an earlier one made by Chief Justice Krishnaswami Rao and Mr. Justice Govinda Pillai and cited in 15 T. L. R. at page 185. The earliest ruling on the point, however, is the one reported in the 7th volume at page 89. The Judges Messrs. Justices Kunhi Ramen Nair and Seetharam Iyer delivered themselves in the following terms:—"It is conceded in defendant's written statement that Venpattom tenants of assumed pagoda lands, in common with similar tenants of other Sirkar lands, fall under the designation of Venpattom holders, as used in the above Proclamation, and the point admits of but little doubt. The properties of Pagodas assumed in 987, are, it is well known, treated, to all intents and purposes as Sirkar properties. The Sirkar by proclamation of 1040, waived their proprietary rights in favour, and for the benefit, of the ryot in actual possession of crown lands, and this Proclamation which may be said to be the Magna Charta of the Travancore ryots has not expressly, or by necessary implication, excepted from its operation any particular classes of Venpattom lands, on the ground that they may happen to be adjacent to lands already assumed by Government for public purposes." The view taken of the character of the lands of the assumed pagodas in this judgment has been dissented from, in the 15 T. L. R. case. The view taken in the earlier case was met by the Judges who decided the latter case, with the remark that the said view proceeded on

the assumption that the land in dispute in that case was Sirkar property and that the Judges who took that view did not specially consider the question whether Devaswom property could be treated as Sirkar property. The Judges in the last case have further observed that "the assumption by Government of the management of Devaswoms is not a confiscation or usurpation and does not vest the properties attached to those institutions in the Sirkar." The Judges who decided the latest case on the subject have expressed themselves very clearly at page 185 of 17 T L R. They say, "As to the first contention, we find that the Proclamation of 1040 relating to Pandarapattom lands, does not cover lands held as Devaswompattom under the Sirkar. The reason is obvious. The Devaswom lands held by the Sirkar are held on trust, and it is not to be presumed that the Sirkar assumed the same right to enfranchise Devaswom lands as in disposing of Sirkarpattom lands. It is contended that many such Devaswom lands have been given by the Sirkar as Sthirapattom. This fact itself shows that a special grant of the perpetual tenancy by the Sirkar is necessary to enfranchise Devaswom lands." This passage is a clear authority for the conclusion that Devaswom lands were not enfranchised by the Proclamation, and that in the absence of a special grant the holding of Devaswompattom lands is only that of a tenant at will or from year to year.

8. Most of the revenue officers of Government, whom I have consulted on the point, appear to share the view that Devaswompattom and Pandarapattom holdings bear the same character and that in effect the Royal Proclamation of 1040 applies to the former holdings. This opinion is based on misapprehension due to the similarity of the rules regulating assessment of the two sets of property for public revenue and is opposed to the rulings of the High Court. In a recent but unreported case the High Court decided that lands held on Palpayasom pattom tenure under the Suchindram Devaswom were resumable

9. The trustee of a charity cannot validly alienate trust property permanently unless it be for the direct benefit of the institution. It is clear that the Sirkar has no power to grant permanent leases of Devaswom properties without proper necessity for doing so.

10. The instinct of the Hindu community which is decidedly against spoliation of temples and temple properties also justifies the view that what was assumed by the Sirkar was the management of the temples.

11. In these circumstances, and in the absence of records showing the terms of the assumption of 987, it appears quite legitimate to conclude that Devaswompattom lands are resumable unless there is a special grant of a permanent tenure validly made by competent authority. Of course, I do not mean to deny that the statute of limitation would operate to extinguish the rights of Devaswoms to resume lands which have been granted on Sthirapattom even though the grant may be unauthorised. Nor is it reasonable to deny that tenants of Devaswom properties holding under Kanom or other similar derivative titles, of date prior to the assumption, cannot be evicted. But these matters do not affect the general question of the rights of the Devaswom tenants to the fully assessed properties in their possession or the applicability of the Proclamation of 1010 to such properties.

12. The next point which calls for notice is the extent of property assumed by the Sirkar and its income. This is a point which could be answered only by reference to Sirkar accounts. The Dewan made arrangements with the Settlement Department to ascertain the necessary information. A special establishment was also sanctioned for the purpose. And I have been supplied by that Department with the figures for the seventeen settled Taluks. They have no information for the other Taluks. I apprehended this contingency and had written to Tahsildars on my

own initiative and they have supplied me with their figures. The Taluk figures for the settled Taluks do not tally with the figures received from the Settlement Department. The former figures are themselves probably not exhaustive. The following letter of the Dewan addressed to the Resident on the 9th November 1876 makes the point clear—

“ Sir,

I have the honor to acknowledge your letter of the 8th September 1876 No. 613.

(2) The main information required by the Government of Madras in the order alluded to in the above communication having been already furnished in paras 448 and 452 to 469 of my Administration Report for the years 1048 and 1049, the question put in your present communication is simply, if there is any objection to the revenue derived from Devaswom lands being in future shown in a separate account.

(3) There is no objection, of course, if it could be done, but inasmuch as the collections from the Devaswom lands are treated like and mixed up with the collections from non-Devaswom lands, the former could not be shown apart from the latter.

(4) Moreover, the lands adverted to in para 248 of my report, do not form all the Devaswom lands assumed by the Sirkar, for in several cases, such lands situated in conquered or lapsed tributary states went under the head “Sirkar land,” at once, while, the expenditure on account of Devaswoms belonging to such states continues to be charged to the general revenues of the State.

(5) There is no doubt in my mind that on the whole, the total expenditure on the Devaswoms is more than covered by the total revenue of Devaswom lands assumed whether in 987 M. E. or at much earlier dates.

I have &c.

(Signed) A. Sashiah Sastri,  
Dewan.” ;

13. The penultimate para of the Dewan's letter under reference alludes to one cause of inaccuracy of the figures received from the Taluk and Settlement offices. As an instance, I may cite that when the Pandalom house was subjugated, our Maha Raja issued a Nait directing the maintenance of the Oottu, Thingay and other charities carried on by the deposed house out of the general revenues of the State, since the properties of the former had merged into those of this State. There appear to be other grounds also leading to more serious inaccuracies. The annual statement (Thavanamudakkom account) of the year '060 returns the extent of Devaswom properties in Agastiswaram taluk to be equivalent to 38,377 paras  $6\frac{7}{16}$  edangazhies in 9,118 thadies or plots. The present settlement figure of this Taluk is 14,461 paras 8 edangazhies equivalent to 1,592 acres 18 cents consisting of 4,729 numbers. The difference between the two figures is a deficit of 24,000 paras of paddy lands in round numbers. The Settlement Dewan Peishkar refers to the mode of treatment adopted in cases of escheat among Devaswom landholders as partly answerable for this deficiency. He also refers to the peculiarities of the survey measurements which form the basis for the settlement figures and other causes (not mentioned) as having possibly contributed to the reduction. The incidents of survey measurement cannot be answerable for such a huge deficiency of nearly two-thirds. I believe the chief cause is the mode of treatment of these lands adopted in cases of the extinction of the family of the tenant. The practice of the Revenue Department in this matter is described as follows in a memo drawn up by the late Honorable Mr Ramiengar "If a tenant holding land under a Kanapattom lease dies heirless, the Government as the *ultimus heres*, steps in and takes possession of the land as well as the Property of the deceased, brings the land under full assessment and sells it for what it will fetch at a public auction. The purchaser is registered in the public accounts as



owner of the land, but as the Government recognises the mschavarom payable to the jenmi on the escheated lands as a first charge upon the property, it arranges with the purchaser for its annual payment to the Jenmi reserving to itself the right of collecting the difference between the full assessment and such mschavarom \* \* \*. The state in thus giving the land to a new tenant confers on him, and he, by virtue of his occupancy, takes from them a fresh right \* \* \*. A tenant's property falls into the State on failure of his heirs in virtue of its sovereign right to all escheats. It is assessed with full pattom; the tenure consequently becomes changed it is no longer jenmam or Inam land, \* \* \* but becomes fully assessed Government land." This procedure having come to the notice of the highest Court in the land in a recent case, Mr Justice Kunhi Ramar Nair wrote of it in the following terms — "This practice which on the face of it is unreasonable and inequitable, was justly and properly condemned by the courts since 1045 (Select Decisions of the Sadar Court Part IV, page 38) and has after considerable discussion been eventually abolished by the Government Notification of 1063 which, however, has expressly been declared not to have any retrospective effect." The Notification which is dated 28th Audy 1062 is expressly limited to properties belonging to jenmies and does not cover the case of Sirkar Devaswom properties. I therefore believe that the practice condemned by the High Court as "unreasonable and inequitable" is in full swing even now in regard to Sirkar Devaswom properties. There is yet another cause for inaccuracy in the accounts. The Thirattu for 997 for Kalkulam contains an entry showing a transfer of 4,742 paras and  $7\frac{13}{16}$  edangazhies of paddy lands and 1,139 gardens paying revenue till then to Sirkar and Devaswoms wholly to the former heading, on the ground that the two payments became due to the Sirkar after the assumption. The revenue of the lands so transferred appears to be 53, 84 paras

$8\frac{1}{16}$  edangazhies and  $34,410\frac{11}{16}$  fanams (Exhibit C). This amount however, continued to be separately shown in the accounts as due to Devaswoms. I am informed that in the current settlement the revenue due on these lands due to Devaswoms has been wholly credited to the Sirkar. We are thus compelled to take our stand on the old Ayacut figures and calculate the present revenue approximately with due reference to the average result of the settlement for the whole taluk.

14. The revenue of Devaswoms consisted of the rent of lands, the interest on loans called Ubhayom Palisa and the value of labour enlisted under the Viruthi system. The figures furnished by the Settlement Department relate only to the revenue from lands. The item of Ubhayom Palisa has now disappeared from the accounts altogether.

15. The following is extracted from Dewan Mr. Sashiah Sastri's Reports for 1048 and 1049. "Out of the Devaswom Jenmi lands alluded to in the beginning of this notice, those 378 pagodas were assumed and brought under the direct management of the Sirkar in the year 987 (A. D. 1811) during the Administration of Colonel J. Munro. They consisted of 62,000 gardens and 5,48,000 paras of paddy lands, the former yielding a rental of about Rs. 50,000, the latter, Rs. 3,50,000, total Rs. 4,00,000. The annual expenditure out of this is only Rs. 2,50,000 leaving a surplus of Rs. 1,50,000. There is of course other expenditure purely Sirkar, on some of these and numerous others which had received direct support from Government" (para 248). In another connection the Report states as follows:—"The lands thus assumed now yield a revenue of Rs. 4,30,000, while the annual expenditure on the 378 pagodas concerned with them amounted to Rs. 3,92,000 in 1049" (para 453). The amount given was probably arrived at by commuting paddy at 6 chs a para. The Thirattu of 997 gives certain interesting figures for

348 incorporated pagodas with I have embodied in the statement (Exhibit A). According to that statement, the full tax of Devaswom paddy lands appears to have stood at 15,55,561 paras  $3\frac{1}{4}$  edangazhies of paddy and Rs. 17,287-18 chs 12 cash. The interest on loans amounted to Rs. 1,04,514 paras  $\frac{1}{8}$  edangazhies of paddy and Rs. 9,695-26 chs. 15 cash. The garden tax amounted to Rs. 43,299-3 chs 6 cash. The total quantity of paddy due as tax interest on loans amounted to 16,60,075 paras and  $4\frac{1}{8}$  edangazhies and the total money tax was Rs. 70,282-20 chs. 1 cash.

16. The Thirattu of 987 (the year in which most of the Devaswoms were assumed) shows the income of 348 incorporated Devaswoms to be 15,80,490 paras  $4\frac{1}{4}$  edangazhies of paddy and 3,71,541  $\frac{1}{2}$  fs. This Thirattu further mentions that the Padivu for Devaswoms was fixed in that year at 12,62,597 paras and  $2\frac{1}{8}$  edangazhies of paddy and 10,95,143  $\frac{5}{8}$  fs. The same Thirattu mentions the allotment for 1,123 unincorporated Devaswoms to be 71,557 paras  $9\frac{3}{8}$  edangazhies of paddy and 67,096  $\frac{3}{8}$  fs. and explains that the expenditure on those pagodas was met till then by collections made by Uralars. These collections, we may presume, were made from the landed properties of those Devaswoms. It appears further, from the Thirattu of 986 and 987, that previous to the assumption of Devaswoms, the Sirkar contributed annually 4,31,037 paras of paddy and 7,53,950 fs. for the expenses of 260 out of 348 temples then assumed. We have no means of knowing the standard of expenditure maintained in the temples by the trustees before they were assumed by the Sirkar. But the Padivu expenditure settled in 987 which amounted to 12,62,597 paras and  $2\frac{1}{8}$  edangazhies and 10,95,143  $\frac{5}{8}$  fs. being inclusive of the allotment of 4,31,040 paras and 7,54,050 fs. made by the Sirkar before the assumption, it is clear, that the Sirkar effected a clear saving in the expenditure on Devaswoms.

The allotment in paddy was less than the income in kind by 3,97,477 paras (16,60,074 paras minus 12,62,597 paras.) The money allotment, however, exceeded the money income by (10,95,143 fs. minus 4,91,974 fs.) 6,03,169 fs. Paddy being valued at a uniform vilatharam rate of 6 chs. per para, we find the expenditure in money is very nearly squared by the value of unexpended paddy. The excess appears to be only 6,948 fs. Probably there is some mistake in some of the figures as it is more than probable in the circumstances to infer that the Padivu would not have been suffered to exceed the actual income. If so, the whole of the expenditure defrayed from the coffers of the State till the date of assumption, must be regarded as the saving effected by the measure. This amount is equal to 4,31,040 paras of paddy and 7,54,050 fs. or a little more than 2 lakhs of Rupees paddy being converted into money at the uniform vilatharam rate of 6 chs. per para.

17. I should observe here that the income of 348 incorporated temples alone has been set forth above. The total number of our incorporated temples at the present day is 378. There were assumptions probably before and after 987. The returns received by me do not enable me to give the figures for the receipts of these additional pagodas separately.

18. The present revenue according to the returns received from the Taluk and settlement offices appears to be only 6,06,319 paras of paddy equal to 16,67,382 fs. at the present commutation rate of 2½ fs. per para and 9,54,277 fs. 3 chs. 2 cash or a total of 26,47,538 fs. 1 ch. 13 cash (Exhibit 13) which is equal to Rs. 3,62,812. But the figures taken from the Huzur Thavanamudakkom statements of Land Revenue for the year immediately preceding the introduction of the new settlement rates, tell a different tale (Vide Exhibit F) The total, according to this for incorporated Devaswoms is 16,20,249 paras 1<sup>61</sup>/<sub>63</sub> edangazhies of paddy and

4,75,092<sup>9</sup>/<sub>16</sub> fs The Dewan's last address to the Popular Assembly shows that the Devaswom receipts, from other heads than Land Revenue for the year 1082, amount to Rs 53,503 Taking this to be the average yearly income on the miscellaneous heads, it is clear that the total annual revenue now does not exceed Rs 4,12 000

19 I have shown that according to the Thirattu of 907, the income from Devaswom properties stood at 16 lakhs of paras of paddy and Rs. 70,000 If paddy be valued at the rate of 4 fs per para, the income from Devaswom properties according to the Ayacut, would amount to nearly 9<sup>3</sup>/<sub>4</sub> lakhs of Rupees But as the result of the current Settlement operations shows a general increase of revenue, a similar result may be reasonably expected in respect of Devaswom lands Exhibit D is a table comparing the old Ayacut figures and the present figures It appears that the lowest percentage of excess is not below 11 This is the percentage for Shencotta where the opportunities for extension of cultivation are limited from the paucity of waste-lands and the unsuitability of the country for cocoanut cultivation generally If Devaswom lands also are allowed to share in the general excess on the basis of the figures of 997, the revenue may be now presumed to be equivalent roughly to 18 lakhs of paras and Rs 80,000

20 To the above sum, we should add the value of services and labour compensated for by the rent of Viruthi or Inam lands It is difficult to obtain precise information of the value of such services and labour The Honorable Mr. Ramiengar complains in his Settlement Memo at page 89 that accurate information is not available He says, "As stated in another part of this paper, in the absence of any accurate registers of these alienations or any record of the original grants under which they are held, I am unable to give any detailed account of them, but

the accompanying statement compiled from the old survey accounts gives all the information that I have been able to glean I have classed the Inams under three heads:—*viz*,

- (1) Those guaranteed for service in pagodas.
- (2) Do for the support of religious institutions and services connected therewith
- (3) Personal grants
- (4) The grants under the first two heads are few and of small value."

The assessment charged on lands expressly registered as Deyaswom Viruthies amounts to 366 paras  $3\frac{7}{8}$  edangazhies of paddy and  $200\frac{1}{8}$  fs. (*Vide Exhibit L*) But I believe the general body of viruthikars were also required to offer their personal services to the Devaswoms. The particulars of such services are described in Appendix 15 of the memo on survey and settlement. I have obtained statements from the taluks containing a description of the services performed in various temples by these viruthikars and the cost of paid labour enlisted for doing these services after the abolition of the Viruthi system. It appears from those statements that 4,732 viruthikars were engaged in these services in all the taluks excepting Shencotta. The number for that taluk appears to have been 728. It is anticipated that 13,008 persons costing 20,936 fs. would be required in future for all taluks excepting Shencotta, and that Shencotta would require 728 men costing 2,349 fs 1 ch 11 cash, (*Vide Exhibits J and K*). The total anticipated cost of these services according to these statements, omitting fractions, amounts to 23,285 fs. or 3,360 and odd British Rupees. This amount may be regarded as the present day value of the personal services performed by the general body of viruthikars to the pagodas. In Thulam last,

I called for information about the extent and value of properties granted on Karanma tenure for services. The Quilon Peishkar alone sent the statements for his Division, but they were received by me only on the 15th Medom just as I was revising this paper. The statements in some cases are imperfect as they do not give particulars of the properties assessed or their value.

21. If the land revenue of 16 lakhs and odd paras of paddy and 70,200 and odd Rupees appearing from Exhibit A<sub>3</sub> be capitalized at 3 per cent the total value of Devaswom properties would be Rs. 4,42,79,883 (Exhibit A<sub>3</sub>). If we add the capitalized value of probable increase of revenue yielded by the new settlement rates, which I anticipate to be two lakhs of paddy and Rs. 10,000, the total capitalized value would be (4,42,79,883+33 lakhs) 4½ crores of Rupees. But this is not the value of the whole of the Devaswom properties. The revenue shown by the Thirattu of 997 which has been capitalized relates only to 348 incorporated pagodas. There are now 378 incorporated pagodas. The revenue of the additional pagodas incorporated after 987, has not been calculated by me. There is no means of knowing separately the number and particulars of pagodas assumed after 987. The pagoda of Kavyoor was assumed very recently in 1075 and the revenue of that pagoda alone is 9,201 paras 1 edangazhy of paddy and 23,334½ fs.

22. Before concluding this subject, I should like to make an obervation about Cherikkal and other Forest lands. The decision in 9 M. 187 as regards forest lands in Malabar is that there is no presumption that such lands belong to the crown. This view appears to accord with the history of landed property in Malabar which according to His Highness the late Maha Raja belonged at first entirely to the Brahmin Jenmies and through them derivatively to the political stewards appointed by them.

But, however, the contrary presumption appears to have prevailed in our courts here and the *onus* of proving title to forest-lands is generally laid on the person who claims title to it. I mention this fact simply to suggest that it is desirable that in the settlement of Cherikkal lands, careful enquiry be made to ascertain whether any of them are Devaswom properties.



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the figure as 381 by including the pagoda at Pakode in Nedumangad Taluk. This pagoda is really not classed either among the incorporated or unincorporated Devaswoms. It belongs to a class of Devaswoms whose expenses are exclusively met from the proceeds of their landed properties which are treated as the private properties of those institutions. If this is excluded, there are 380 incorporated temples. According to the list of such temples maintained in the Devaswom Sekharippu, there ought to be only 378 such institutions. That list has clubbed the temple at Shankumukham under that of Mithranandapuram; whereas the taluk return mentions it separately. I shall for the purpose of this memo deal with the temples of the incorporated class as numbering 344. The number of unincorporated temples, according to Mr. Chempaka Raman Pillay's report, is 1,168. This report omits the names of 18 temples. The total allotment for these 18 Devaswoms is equal to 352 paras 9½ edangazhies of paddy and Rs. 279-7 chs. I have appended a list of these temples with their allotment (Exhibit.N.) The number of unincorporated Devaswoms is therefore 1,168. (*Vide Exhibit T.*) This last number includes 30 temples which have become *non est* after the date of the first padivu. The padivu allotment for these 30 Devaswoms amounts to 572 paras 41⅔ edangazhies of paddy and 1,414 fs. This allotment has lapsed and is not drawn and expended. There are 6 more Devaswoms of this sort which Mr. Chempaka Raman Pillay appears not to have noticed. The total allotment for these 6 pagodas amounts to 34 paras 5½ edangazhies of paddy and 136½ fs. I have appended lists of these 36 Devaswoms (Exhibits M and O). I should add that the number of unincorporated pagodas given above includes 465 Ooranma pagodas. Besides these incorporated and unincorporated Devaswoms, there are certain temples whose expenses are met from their own resources. I have already referred to one

### CHAPTER III

#### A BRIEF ACCOUNT OF SIRKAR DEVASWOMS AND THEIR PRESENT ADMINISTRATION.

The Devaswoms supported by the Sirkar are divided into incorporated and unincorporated insititutions. Detailed accounts are maintained in the former of all its transactions; while none such maintained in the latter. It should be mentioned that the list of the second class of Devaswoms includes many private Devaswoms drawing the extremely small allowance of even a fanam a year. According to the SELECTIONS FROM THE RECORDS OF TRAVANCORE, the number of incorporated and unincorporated temples in 1844 was 378 and 1,104 respectively. According to Dewan Sashiah Sastri's Administration Report for 1892, the number is 378 and 1,171 respectively. Of the above said incorporated temples, two, *viz*, Annamanada and Elankunnappuzha, were surrendered to Cochin and a few were added to that category subsequently. The number of these institutions therefore rose to 381 in Mr. Chempaka Raman Pillay's report (*Vide* Exhibit AC of the first part). The number of unincorporated temples according to that report is only 1,168. This result was due to the transfer of a few Devaswoms from that class to the class of incorporated Devaswoms. The returns received by me from the taluk make out a total of 344 incorporated temples by clubbing a number of them together and excluding a few. For instance, of the 41 temples in Shencotta, the returns sent to me have excluded 5 as situate in British territory and have clubbed the remaining 36 into 11 groups. There is a similar instance in the returns received from the Taluk of Agasteeswaram where 9 temples have been reduced to 3. If each temple is calculated by itself, there would be in all 380 incorporated temples according to the returns now received. Mr. Chempaka Raman Pillay gave

the figure as 381 by including the pagoda at Pakode in Nedumangad Taluk. This pagoda is really not classed either among the incorporated or unincorporated Devaswoms. It belongs to a class of Devaswoms whose expenses are exclusively met from the proceeds of their landed properties which are treated as the private properties of those institutions. If this is excluded, there are 380 incorporated temples. According to the list of such temples maintained in the Devaswom Sekharippu, there ought to be only 378 such institutions. That list has clubbed the temple at Shankumukham under that of Mithranandapuram; whereas the taluk return mentions it separately. I shall for the purpose of this memo deal with the temples of the incorporated class as numbering 344. The number of unincorporated temples, according to Mr. Chempaka Raman Pillay's report, is 1,168. This report omits the names of 18 temples. The total allotment for these 18 Devaswoms is equal to 352 paras  $9\frac{1}{4}$  edangazhies of paddy and Rs. 279-7 chs. I have appended a list of these temples with their allotment (Exhibit.N.) The number of unincorporated Devaswoms is therefore 1,168. (*Vide* Exhibit T.) This last number includes 30 temples which have become *non est* after the date of the first padivu. The padivu allotment for these 30 Devaswoms amounts to 572 paras  $4\frac{1}{6}$  edangazhies of paddy and 1,414 fs. This allotment has lapsed and is not drawn and expended. There are 6 more Devaswoms of this sort which Mr. Chempaka Raman Pillay appears not to have noticed. The total allotment for these 6 pagodas amounts to 34 paras  $5\frac{1}{4}$  edangazhies of paddy and 136 $\frac{1}{4}$  fs. I have appended lists of these 36 Devaswoms (Exhibits M and O). I should add that the number of unincorporated pagodas given above includes 465 Ooranma pagodas. Besides these incorporated and unincorporated Devaswoms, there are certain temples whose expenses are met from their own resources. I have already referred to one

Devaswom of this class, *viz.*, Pakode. There are in all 7 Devaswoms of this class. They are distributed among the Taluks of Nedumangad, Mavelikara, Pathanapuram and Neyyattinkara (*Vide* Exhibit E). There are besides these, 35 pagodas outside our territory which receive money grants from the State. I have appended a list of such Devaswoms.

2. The subject of administration of Devaswoms may be considered under the heads of religious services and establishment. The religious services consist of the ordinary daily ceremonies, and the extraordinary ceremonies which recur periodically by the month or year. The belief is that upon the due performance of the poojas depends the virtue of these institutions as spiritual centres. The daily poojas from the most important of the services held in the pagodas, though no doubt periodical ones have also their own importance. In almost all pagodas, the allotment in money for provisions for the daily services has undergone no revision and they are given only the amount originally fixed. Some institutions which used to receive supplies for Utsavams and other periodical ceremonies from viruthikars are allowed to charge Nirak value in respect of these provisions. A few others are allowed compensation for extra-prices in respect of Nithyanidanom provisions to the extent of savings and stoppages. In the case of a few pagodas, Government have in recent times revised the allotment for fuel and milk. To this day, the Sirkar makes no allowance for fuel in many temples. The padivu appears to have provided in some cases for payment of the full value of firewood necessary, and in others only for the payment of the charges for felling and removing

3. The scale in paddy and provision for these pagodas was finally fixed in 994. The records of these scales which are called padivus are in some instances defective, as they have omitted some most absolutely necessary articles of provision

I have come across a pathivu for Palpayasom in a pagoda in Ambalapuzha without any provision for rice and sugar. So, in another pagoda (Maperoor in Chirayinkil), there is no allowance for koppu &c. for a Vavunamaskarom. The popular impression is that these padivus were drawn up by the Dewaswom Pillamars under a sense of deep alarm, since they were threatened with corporal chastisement, should the padivus be found to be inaccurate or extravagant. The story goes that the Mootha Pillay of the Boothapandi pagoda, one Madan Pillai, was so much overwhelmed with the fear of the triangle as to have copied out a padivu curtailing the usual allowances paid on occasions of Utsavam to acrobats, dancers, musicians, singers and performers of legerdemain to such an extent as to have caused consternation among those classes of people so acute and general, that, to this day, some of these public players preface their performances by exposing a doll dubbed "Madan Pillai" (the name of the offending Mootha Pillai) and treat it to a volley of trade, in memory of the treatment adopted by their ancestors on the occasion of the first disappointment at Boothapandi. We may take the story *cum grano salis*, but there is no doubt that the old padivus were not drawn up with any degree of precision or under proper supervision.

4. The padivus give the quantities of grain and other provision necessary for the daily and periodical services and festivals in the pagoda. The following passage from the pen of Dewan Krishna Row explains how these provisions in paddy were supplied to these Devaswoms. "Paddy to the amount of 12,03,988 ls. is annually collected by the Sirkar from the inhabitants on account of their dues to the pagodas as fixed in different Districts; this quantity of paddy is originally stored in the Proverthi Cutchery, whence the Santhikars of the pagoda should receive such quantity as may be sufficient for consumption

during the month in which it is issued by them to the servants according to their established allowances, and the remainder is allowed to the Achimars for the purpose of being beaten into rice for the use of the pagoda. The disbursements in cash amount in the aggregate to 25,46,533 fs. every month. The Tahsildar grants a receipt to the cash keeper for the requisite funds about a week before the end of the month, who pays the amount to the peon called Vellithadikkaran who takes it to the District treasury under a guard of Tavana peon, and the Sreekariakaren or the Superintendent, and the staff and Pillay of the pagoda take charge of the money and they make the usual disbursements, crediting the balance, if any, to the Sirkar "

5. The practice described above has continued to the present day with slight alterations. With the abolition of the paddy tax, contractors have been engaged to supply these institutions with paddy. In the case of the important institutions with a high scale of expenditure, it has been found possible to secure contractors for the supply of other provisions also. But in the case of other temples, the contractor generally supplies the paddy and the Chandrakaren or other temple officer draws the monthly money allowance from the taluk and makes the necessary purchases and disbursements.

6. In almost all the temples of South Travancore, Government appears to have sanctioned the appropriation of savings and stoppages for meeting the extra expenditure professed to be incurred in consequence of the advance of prices. This practice which commenced in the early part of Sir. T. Madava Row's administration has resulted in the growth of a peculiar system of account keeping which is highly misleading. The fiction of purchasing the standard of padivu quantities or provisions at market rates, is maintained in the accounts and against the difference between the present day price and the

standard price, all unexpended balances are set off. This system of accounting would leave the Sirkar a debtor to the Devāswoṃ agency at the end of every year; for, the unexpended balances are not equal to the difference between the standard and current prices. But the Sirkar is saved from this situation by a generous waiver on the part of the Devaswakars of their claim to the balance; for they make an entry in the accounts to the effect that the balance is struck off for want of Muthal or funds. If under such a system of accounts, fraud and misappropriation should be found to prevail, it is not a matter of any surprise whatever. In all other Divisions, generally, the registers show that the full standard quantities of provisions are purchased for the padivu price. These remarks apply only to the expenditure on the heads of daily poojas and other ceremonies for which the koppus were purchased directly and not through the agency of Viruthikars. In the case of periodical or extraordinary ceremonies for which provisions used to be supplied by Viruthikars, the rule since the abolition of the system, has been to pay Nirak prices. I shall refer to the manner in which these Niraks are prepared in another connection. It will appear from those remarks that the Niraks are unreliable and that the system is *the open sesame* of many petty officers. A close scrutiny of the statements of koppus purchased for Nirak prices discloses that not only more than the quantity of provisions fixed in the padivus are purchased, but that also varieties of koppus not included in the padivu and; koppu not supplied by viruthikars were purchased at Nirak rates. These irregularities do not appear to have been expressly noticed or sanctioned by superior authority. On enquiry of the taluk officers, I was informed that the authority for such purchases was implied by the circumstance that the Huzur passed the statements of expenditure without objection. I shall give but one instance to show the effect of such implied sanction. The amount of such unauthorized expenditure for the Utsavam at Ettumahoṛ



amounted in one year to Rs. 434-9 chs-8 cash. The excess expenditure on account of the value of koppus not included in the padivu was Rs. 67-4 chs.-1 cash, that on koppus which were never supplied by viruthikars amounted to Rs 188-5 chs-3 cash. And the surplus cost of koppus purchased in excess of the quantity fixed in the padivu was Rs. 179-4-cash (*vide* Exs. Q R and S.)

7. There is another practice which, though plainly reprehensible as tending to promote fraud, has ceased to be regarded as such, on account of its toleration by superior authorities. The balances available under one head are very often used to cover the expenditure on items for which the standard allowance is insufficient. But such transactions do not appear from the accounts that are written up. I have heard reports from several quarters, that during such and such an Utsavam, so much paddy was sold and the proceeds utilized, let us believe, for lighting torches during processions, or for purchasing cloth to be presented to drummers engaged for the Utsavam. These reports were made confidentially, because the practice is supported by the very authority which should be expected to stamp out such improper practices, and would be denied if the deponents were publicly questioned, I am of opinion that such false entries should be entirely discouraged.

8. The temple of Suchindram is the only pagoda which has been allowed to purchase provisions for daily ceremonies according to the padivu in full. It is noteworthy that even the temple of Vaikom is not so favourably treated. The allowance for ghee in that pagoda is found to be inadequate and my information is that it is supplied from sources which do not appear from the books. The following temples are allowed compensation for high prices to the extent of savings in pay and allowances and other heads as regards provisions required for Nityanidanom or daily ceremonies:—

- (1) Bhoothapandi,
- (2) Thiruppathisaram.
- (3) Thazhakkudi.
- (4) Derisanamkoppu.
- (5) Cape Comorin.
- (6) Parakka.
- (7) Nagercoil.
- (8) Vadaseri Krishnan koil.
- (9) Vadiveeswaram.
- (10) Thiruvattar.
- (11) Nellacandaswami kovil.
- (12) Ramaswami kovil.
- (13) Kumara kovil.
- (14) Keralapuram.
- (15) Thiruvvarpu.
- (16) Thrikariyoor.

9. I may mention that the allotments in the case of the unincorporated temples which consist of paddy and money have continued unaltered from the date of the original padivu. I have already discribed the practice relating to incorporated temples in the matter of their supplies. According to the practice in Cochin, the allotments for some pagodas are unalterably fixed in money, while in the case of others, the padivu is fixed in provision. Here the fiction is that the padivu has fixed the provisions for all institutions.

10. The following extract from the SELECTIONS FROM THE RECORDS OF TRAVANCORE, relates to the establishment in the incorporated pagodas:—

"The pagodas that are under the immediate control of the Sirkar, have two santhikars or santhies (officiating priests), who are on the receipt of a salary of 20 or 25 fs. each per month

comparative statements of the receipts and the disbursements of the pagodas for every two successive years.

"There is also a Shroff or cash-keeper attached to each

(1) Kalavarak  
karen or store-  
keeper.

(2) Vilakku Vep-  
pu or person who  
keeps the lights.

(3) Ambalava-  
sies or sweepers of  
the interior of the  
pagoda.

(4) Also 4 or 5  
and sometimes 8  
Nair women for  
sweeping the pa-  
goda premises,  
who have no parti-  
cular designation  
but one common-  
ly called Achimar

pagoda, whose duty is to be in charge of the cash and paddy supplied from the District Cutcherry for its use and to keep an account of the same corresponding with that kept by the Pillamars, the one serving as a check upon the other. Besides these, there are petty servants employed in each pagoda as attendance, whose designations are given in the margin. They are all on the receipt of very small allowances, generally receiving from 5 to as low as 3 paras of paddy monthly.

"The Ambalavasies who are of the cast of "Moothathu," "Warriar," call themselves higher in caste than Nairs, and this office is hereditary. They have each their share in the victuals prepared for the pooja, and the surplus victuals are sold and their proceeds brought to the credit of the Sirkar."

11. The salaries of a few members of the establishment at the top have been increased in recent years in a few pagodas, as for instance Vaikam. But in all other respects the description given above is pretty accurate. According to Dewan Sashiah Sastri, "The temple establishments give occupation and furnish means of subsistence to 4,445 persons."

12. The establishment as we have seen consists of very poorly paid men and very often the responsible manager's pay is considerably less than that of the Santhikaren. I know of several pagodas which are managed solely by the Santhikars. The pay of the Manager or Chandrakaren is 14 chs. or 8 as. a month. The Santhikaren is the master of the situation in such cases. It

is not a matter for surprise if under such circumstances the Santhikars in a certain Districts should according to current report transport even grain intended for Nivedyom to their houses for private consumption. In the case of Utsavam and other ceremonies for which market prices are allowed and which consume large sums of money, the Tahsildar or other superior officer is expected to take a close and personal interest in the purchase and distribution of provisions and general conduct of the ceremonies. After the close of the ceremonies, and detailed statement of expenses is submitted to the Huzur. The preparation of these statements often takes an extremely long time to finish, and I may be pardoned if I feel disposed to endorse the popular report that these statements are generally not accurate. The taluk authorities complained that the want of uniformity in the principles on which these statements are scrutinized and passed, is answerable in great measure to the present system of writing wrong accounts.

13. The following accounts are now submitted by the incorporated Devaswoms to Taluk cutcherries and to the Huzur:-

- (1) Monthly statements of expenditure.
- (2) Statements of expenses for extraordinary ceremonies such as purificatory ceremonies &c.
- (3) Statements of jewels &c.
- (4) Annual statements.

It would appear that the statements received in the Huzur are tested with reference to Niraks and excesses over the Nirak rates, if any, are ordered to be refunded.

14. The following accounts are generally kept in Devaswoms:-

- (1) Day-book of receipts and disbursements of paddy.
- (2) Cash-book of receipts and disbursements of money.
- (3) Day-book of miscellaneous receipts.
- (4) Daily Issue-book of stores
- (5) Register showing the accounts of silk and cloth.
- (6) Register showing the number of utensils.
- (7) Register of jewels.
- (8) Register containing the copies of chits.
- (9) Register containing the copies of Sadhanoms.
- (10) Register showing the particulars of Nadavaravu.
- (11) Attendance Register of all temple servants.
- (12) Inspection-book.

## CHAPTER IV

### SUGGESTIONS FOR THE ADMINISTRATION AND SUPERVISION OF STATE CHARITIES. .

In the administration of this department of public business, great care and watchfulness are highly necessary, to check waste and abuse, arising from negligence or want of integrity. It appears to be so everywhere. At the last annual meeting of the Central poor Law Conference, the President, Sir Edward Fry, referred to "the disclosures of peculation and dishonesty of late years in some important boards of guardians" as having produced a very painful impression. "These disclosures," he continued, "were disquieting not only because they showed the gross frauds of a certain number of persons in office, but because they showed also the apathy of many who had not participated in the actual frauds." He further supposed that "to all guardians of the poor, the inquiries which had been held, had shown the impossibility of relying upon anything else than continues personal inspection and vigilance."

2. While on the one hand, it is a matter for surprise, that a Department spending nearly 14 lakhs of Rupees a year should be managed without a well organized central authority to supervise its working, it is, on the other hand, a matter for regret that the local administration is entrusted to a body of officers who are not sufficiently alive to the importance of the work or are not able to bestow close or sufficient attention on it, for want of time, owing to pressure of other and possibly more emergent work. This branch of work, always onerous and delicate, has become more so now on account of the necessity for the exercise of greater care and vigilance in procuring necessary supplies in

these hard times, when the price of paddy and other provisions has been steadily going up. The Tahsildars have possibly enough to do with revenue collection, revenue cases, Pokkuvaravu cases, treasury and stamp work, encroachment cases, tour and judicial work. Remissness in these items of work is readily noticed, and attention to these brings *kudos*. The administration of charities on the other hand is a branch of work which is generally not noticed by the authorities unless when the expenditure shows an undue tendency to go beyond the standard bounds. It is therefore no wonder that the taluk authorities do not generally evince a warm interest in these affairs. The Tahsildar is bound by a circular to visit all the temples and other such institution in his jurisdiction at least, once a month. This is a duty more conspicuous in the breach than in the observance. Of course, in the case of Utsavams in important pagodas where the standard of expenditure is high, the Tahsildar personally attends sometimes or deputes some subordinate of his to supervise the conduct of the ceremony. But generally his attendance in such cases only helps to swell the cost of the ceremony. It was remarked to me by the Haripad Kōil Tampuran that just before the Utsavam in Haripad commences, the taluk authorities are seized with a malady which encourages extravagance of expenditure. The ruling idea with these officers is to make every current year's Utsavam grander than that of the preceding year. A new Tahsildar is anxious to earn popularity by celebrating the ceremony in a manner which will be little the success of his predecessor. It would be something of this idea gained hold of him early enough to admit of arrangements being made in time for the purchase of the necessary provisions and other

if the officers find themselves hopelessly checkmated by the high ruling prices and the deficiency of provision in the market. This state of things leads to manifold evils among which the systematic manipulation of accounts with its train of corrupting and demoralizing influences on the subordinates of the Department, is the most conspicuous and also the most pernicious. The Huzur Devaswom Department is aware of these consequences and has put forth spasmodic efforts to minimise the tendencies to waste and extravagance. But the system of administration now prevailing is such that the said Department is practically unable to do anything substantially to eradicate the evils complained of. They are able to indite pious circulars and often manifest a disposition to be very strict in passing statement of expenditure. But they are not invested with the power of supervising the institutions and are not responsible for their practical working. The Zeal manifested in examining bills and statements submitted to them is often misguided and lands the subordinates including the Tabsildar and other officers into difficulties from which escape is often sought by resorting to questionable means. Facilities are not provided to Tabsildars to arrange for the purchase of supplies in proper seasons when the prices are not high. There is, however, a circular dated 18th Karkadagom 1062, which requires advances to be made in time for the purchase of such costly articles as cocoanuts &c. But it would appear that this and other circulars of the sort are not followed.

3. The system of auctioning which obtains in the matter of furnishing supplies is of course theoretically sound. But in practice, it is found to be often disappointing. In this connection, I wish to quote the following observations of an experienced Revenue Officer. "I do not think that ordinarily the supply of



provisions by contractors is cheap in outstations. In important stations, such as Trivandrum, Quilon &c., a competition may be raised and maintained. This is sure to be to the advantage of the Sirkar. But at other stations, the public auction is, so far as my experience goes, a farce. There is no competition and what little is found is to the advantage of the competitors rather than to that of the Sirkar. The Thasilders, if they are willing, might do a great deal towards making cheap purchases and even engaging proper contractors on favourable terms. It has to be remembered that as a rule when a contractor agrees to supply provisions, he generally calculates what he should pay to the petty subordinate to whom the delivery has to be made, to prevent his rejecting the supply. He feels that the Tahsildar cannot ordinarily be of help to him in insisting upon the acceptance of the tolerably good provisions that he supplies. Hence, he calculates the loss on this account and raises the price in the open competition. If, however, the Tahsildar would himself seek proper vendors, he has an incentive to see that his man is not oppressed by petty officials and the result will be that the Sirkar gets more favourable rates. I state this from experience. In 1082, I was engaged in holding action in three taluks to secure contractors for the supply of paddy. In one taluk, the Tahsildar, and I have much pleasure to mention his name, Mr. Sesha Iyengar, prevailed upon a number of his acquaintances to supply paddy for one or two institutions, and they agreed to his request, feeling sure that no blackmail will be tolerated. The rates secured were phenomenally cheap; while in other taluks, I do not think that the Tahsildars exerted themselves quite as much. Again, for Haripad Utsavam, contractors are often found difficult to get. For three or four Utsavams that I managed, I used to prevail upon all my acquaintances including criminal vakils each to undertake to supply certain items. They used to do so, but once the auction is put upon rigid lines, competition

would have been nil and purchase in the open market would have entailed greater expenditure. The Tahsildars are the best persons to be relied upon for making cheap purchases. If their endeavours are appreciated from time to time there is a distinct incentive to them to do their best as distinguished from their level best."

4. This quotation is very suggestive and exposes one or two weak points in the current system. It clearly describes how the system of blackmail by the underlings of the Taluk cutcherry is answerable in a large measure for the waste and speculation so conspicuous in the management of our charities. It shows how powerless the Tahsildar is to check these evils. It exposes the supreme neutrality of the Tahsildars in exerting themselves to their best for want of encouragement, to which I may add a further circumstance, *viz.*, the chilling effects of the open exhibition of suspicion of their integrity; by their superior officers, of which several Tahsildars, both of short and long experience in the Department, have complained to me most bitterly. It is further clear from the passage in question that in the matter of purchasing supplies, it is not desirable to impose restrictions on the discretion of the Tahsildars and thereby hamper their action in making suitable arrangements on lines tending to economy, as owing to the backward state of trade and commerce in many parts of the country, the conditions of the market are not uniform. The officer to whom I am thankful for the opinions cited above, does not refer to the fact of the Tahsildars being an everworked public servant possessing consequently little or no time to attend earnestly to this branch of his duties which, I am inclined to think, is mainly responsible for the abuses pointed out. These local executive officers have, as already stated, a variety of affairs to engage their attention, and one of such things is the case of touring parties. This item of work is most annoying and irksome.

There is a strong conviction everywhere that part of the funds provided for the expenditure on Oottupuras and temples is often diverted for purposes of making the journey and the halts of the touring parties a success. Commissariat work is everywhere a matter which affords scope for scandalous malpractices. I may refer in this connection to the observations of Mr. S. Padmanabha Iyer, Settlement Dewan Peishkar, in his published opinion about the commutation of grain tax into money. "A better stamp of public servants must be appointed for the Proverthies. The pay of the Proverthikaren and more so of his subordinates must be increased, and the increase and advance in education will attract a better class of men for the post. In the fourth place, the duty of furnishing supplies, putting up sheds, and doing a hundred and odd things for circuit officers and others must be wholly taken away from the tax collectors. One excuse urged and sometimes openly urged and often accepted by the supervising officers is that the above duty entails unpaid expenditure and that the Proverthikaren has no other resource for that expenditure except the Government paddy which it is said he is therefore obliged to collect in excess and which he is able to do under the present system." It is enough to add that what Mr. Padmanabha Iyer deplors as the misfortune of the Proverthikars which often commands the compassionate support of his superiors, is a phase of evil that was never confined to the Proverthy establishment alone.

5. Another popularly believed mischief traced to taluk underlings is startling. It is alleged to be an open secret that the taluk subordinates are often in league with local merchants, in the preparation of Niraks. Mr. Subroyer's remarks on the system of the preparation of the Nirak are very interesting and may be quoted. "These Nirak rates, it is well-known, are not prices current but only a forecast of what they would be during the

15 days following the date of report as made out by the merchant and reported by the Kothuvals or other low-paid servants of the Revenue Department. The temple and Oottu servants are often called upon to supply provisions to these institutions and to such supplies only those reported rates are allowed. It is therefore to their interest, to influence the merchants which they can and do freely, to report higher prices and sell them at lower." This passage needs no comment from me. It has been reported to me by several responsible persons that, in anticipation of costly ceremonies for which supplies have to be found, inflated Niraks are deliberately prepared, and the expenditure calculated on such quotations is sanctioned.

6. The evils of the present system of taluk management of the temple and other institutions of the State were powerfully borne on me by what I saw and heard in my tour through out the State in connection with my special duty. I feel very strongly that it is absolutely necessary either to remove the management of charitable institutions from the Tahsildars or to establish a supervising agency unconnected with the Division authorities. In either case, it would be desirable to introduce a popular element into the administration. On this point, I have been favoured with their opinions by two gentlemen. One of them is Mr. Arumanay Sri Narayanan Tampi, the son of His Highness the late Maha Raja, and the other is Mr. Rajaram Row, Assistant to the Quilon Dewan Peishkar. Both of them appear to be in favour of the introduction of the popular element into the administration of our charitable institutions. On the question of taluk control the former is silent and the latter inclines to think that it would be disastrous to place these institutions beyond their control. Mr. Rajaram Row has delivered himself in the following terms:—  
 "In the circumstance of the temples here, I do not think they can be divorced from the control of the local Revenue officer. His dissociation is not beneficial. In British India, I have heard

that the temples do not receive sufficient attention at the hands of the independent agency appointed from time to time. The experience of Ooranma temples nearer home in our State is a sufficient object-lesson for as to conclude that private agency is, insufficient by itself to undertake the trust. It appears to me, however, that a free mixture of the official and non-official elements in the administration of Devaswoms as a preliminary step towards Government withdrawing altogether from their management, will be a step in the desirable direction. In the case, however, of what is called the Devaswoms without Ezhuthi Theeruva where some pittance is doled out, I would strongly suggest that they may at once be made over to the respective villagers who are willing to take charge of them with the grants fixed therefor. The condition of this class of temples is anything but desirable. In the case of other temples those that are at Headquarters may be left entirely to the control of the Tahsildar. One or two respectable citizens of the station may, however, be permitted to bring to the prominent notice of the authorities any defects that they may notice in the working of the temple, and their representations should be arranged to stand on a different footing from that of a body of petitioners. Ordinarily the members selected as representatives of the Sri Mulam Popular Assembly ought to be selected for this work. They will, of course, have nothing to do with the accounts or cash expenses. In the case of temples removed from the Headquarters of the Tahsildar's office, it is desirable to associate the independent element in a yet higher form. Ordinarily [in such cases, it is a petty servant that is practically left in charge of these institutions and the visits of the superior officers off and on are not found to be a very great check. The local Proverthikaran and two respectable villagers might be constituted into a body to supervise these institutions, to check irregularities on the part of the low paid

temple servant, to generally see to the efficient management of these institutions, to look into accounts and to move the Tahsildar to rectify defects which get struck in spite of their endeavours to the contrary." Mr. Sri Narayanan Tampi's utterance is in these terms:—"Coming to the subject I cannot better begin than quoting the following from the note on taxation in kind by the late Financial adviser Mr. E. R. Subroyer:—"Of the minor temples receiving annual grants of Rupees 200 and less, numbering in all about 1,306 only 132 submit some sort of account to the taluk authorities, the remaining 1,174 are left to be managed between the Proverthikaran and the temple servants. Any supervision worth the name over such a large number scattered in the rural parts, away from the Division and Taluk Headquarters, cannot be exercised with any effect by costly additions to the already heavy village and taluk establishments. Management of village temples and village roads will, it may be hoped, prove a congenial field to try the first experiments towards local self-government by enlisting the honorary services of landed proprietors and other respectable persons of the locality.' These minor temples may be grouped into circles or ranges according to their proximity in each village or pakuthi, and an advisory Board of respectable, honest and religiously inclined Hindus may be formed in each locality to make surprise visits to the temples, to bring to the notice of the authorities any shortcomings that may come to their notice and to suggest measures for the proper management of the institutions. The service ought to be strictly honorary and the qualifications for membership &c., are matters of detail. My strong opinion is that the creation of such Boards will considerably help the Government in the proper administration of these temples and Oottupuras and will serve as a check on abuses."

7. There is a strong volume of independent public opinion in the country favourable to the introduction of the

popular element in the administration of our religious and charitable institutions. Mr. Subroyer has as quoted above expressed himself hopefully on the subject. His hope was influenced by his expressed faith that "the village people will, under the general control and direction of Government manage these temples very much better than ill-paid Government agency, and will also add to the Government grants by special offerings and donations both individual and communal." But as a body, Tahsildars appear to look askance at a scheme which involves the harnessing of the official with the non-official in the practical work of management. I may refer here to the observations of the Judges of the Madras High Court in what is known as the Thirupathi Devaswom case. They said, "We think considerable difficulty will be experienced in the selection now and from time to time hereafter of competent men to act as honorary members of the Committee. Occasional visits by persons not resident in the immediate neighbourhood of the institution would hardly afford sufficient check. A body consisting of so many as 5 members *without any emoluments*, expected to exercise a detailed control over the discharge of his duties by the Mahant, by a unanimous vote in some instances, and a fixed majority in others, is too cumbrous a machinery to work smoothly and effectively." The picture of the evils of a system of management by trustees in conjunction with a committee may well apply to the case of management by Tahsildars with a Board at their elbow. But Mr. Subroyer apparently did not contemplate to introduce the double harness system. There can be little doubt that such a system would be found to productive of considerable friction and therefore impracticable. What Mr. Subroyer appears to have had in view was the wholesale surrender of certain institutions to a Village Board which was to work under the general control of Government. Such a scheme would be theoretically sound.

I believe it may be found to work satisfactorily in villages where qualified members can be found to work on the Board. It may be possible in some villages to secure a strong Board; but I am not sure if such facilities would be found to exist throughout the country. At any rate the system is worth a trial.

8. In the case of other temples directly under Sirkar management also, it would be desirable to introduce the independent non-official; but precautions should be taken to avoid friction which would defeat the very object of the proposed measure. The lesson furnished by the Educational Boards shows the necessity for defining the position of these non-official members exactly. In the event of the development of cordial feelings between the non-official members and the official president the combination will contribute in various ways to the prosperity financially and otherwise of the institutions concerned. To this end it would be desirable to select a Board of three members for every village in which there is a Government charitable institution. These Village Boards might be authorised to collectively elect 4 members for the Taluk Board which may consist of a few additional non-officials selected by Government partly from the bar and partly from other professions. The Taluk Board should meet monthly and discuss the statements for all institutions whose annual scale of expenditure is above Rs. 300 and pass their resolutions which should be communicated to the higher authorities for such action as may be necessary. The Tahsildar or his deputy may be the president. The Village Board should also meet monthly under the presidentship of the Provertkikar and review the statements for institutions whose scale of expenditure is below Rs. 300. Members of these Boards should be permitted to take copies of accounts. In the case of pagoda with costly Utsavams, the



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Boards may meet and settle a scheme for carrying out the festival economically. And generally the Board may be required to verify the jewels &c., periodically.

9. But the crux of the whole question is whether the Taluk management is conducive to the best interests of the institutions concerned. As I said before, many of the Tahsildars are overworked; and it would be idle to expect them to be able to pay very close attention to the daily transactions in the temples and Oottupuras under their charge. It would be well and consistent with the tendencies observable every where in the direction of decentralisation to place the administration in the hands of a separate Department. That the Honorable Ramiengar took the same view appears from the following observations of his, contained in his Settlement Memo:—

“There are now under direct Sirkar management 1,549 temples scattered over the country, and 45 Oottupuras along the road from the Aramboli pass in the South, to Parur in the North. They are under the supervision of the respective Tahsildars subject to the control of the Peishkars, but owing to the multifarious duties devolving on these officers, the supervision exercised is more nominal than real. The consequence is that very gross abuses prevail in the administration of these institutions  
 \* \* \* \* If all this is to be checked and if the institutions are to be restored and restricted to their original object, and if the Devaswoms are to be properly managed after the abolition of the Viruthi they must be placed under close supervision and this can be effectually done only by relieving the Tahsildars and Peishkars of their charge and substituting the supervision of a good and energetic officer who shall devote his whole time to visiting and controlling the various institutions, and regulating and auditing the expenditure and checking abuses. The officer

would require a well paid Inspector or Aminadar for each Division under him and a few clerks and accountants and some peons. The local establishments at the various pagodas and choultries would also probably need to be revised and placed on a proper footing." But it is often said that this system was tried and found to be a failure. Ward and Conner have stated as follows on the point:—"Of the multitude of temples 400 are supported by the Sirkar; they were endowed with lands yielding an annual amount of 3 lakhs of Rupees; the administration of this revenue was in a great measure under the direction of the Superintendent and Principal of the temples—a sort of independent control, it was found necessary to abolish." This passage shows that the temples and possibly the Ottupuras had a separate Department under the charge of a Superintendent to manage their affairs. It appears from the Huzur Thirattu for 995 that an officer called Gumasta and two Aminadars, drawing a pay of Rs. 35 each, were appointed with half a dozen clerks and other establishment, costing in all 142 and odd Rupees to manage the charitable institutions of the State. In 1017, the name of the officer at the head was converted into Moozoomdar and his pay was increased to Rs. 40. Again, in 1030, the pay of the head was still further raised. It was then fixed at Rs. 150, and the official designation of Moozoomdar was changed into that of Daroga. This system gave place to the present one, according to which the administration of Devaswoms and Oottus is a part of the work of the Tahsidar, carried on under the supervision of the Chief District Officer, the Dewan Peishkar. This system too, however, appears to have been fruitful only of abuse from the earliest times, as the printed circulars of the Huzur from the year 1022, would show. Circular No. 3576, dated 26th Mithunam 1022, directly accuses the Taluk authorities as being in conspiracy with the Oottupura

and Proverthi officers to defraud Government. Another circular of the 29th Mithunom of the same year charges the Tahsildars with neglect of duty in not supervising the Eswara Sevas &c. instituted in the Taluks. Again in 1024, circular No 377, dated 4th Kanni was issued to the Tahsilda- warning them of the effects of their carelessness in attending to Devaswom matters, which, they were told, was one of their important duties. Such circulars might be multiplied; but it is not necessary to do so, my object being only to show that the measure was not a pure success even at the beginning. In more recent times, Dewan Mr. Rama Row, C. I. E., felt that the work of Devaswom administration was done but perfunctorily by Tahsildars and he introduced a tentative measure immediately after he was appointed Dewan. After a year's trial, this measure was given up as it was condemned on all hands. The measure, however, was an ill-conceived one, and its failure must have been a foregone conclusion. Four Kariakars were appointed for the whole State for the supervision of the Devaswoms and Oottus to the exclusion of the Tahsildars. This measure was doomed to be a failure and it was rejected at the end of the year's trial and the old system was adhered to. It would be misleading to draw any inference from the results of this measure, about the benefit of placing the affairs of our charitable institutions in the hands of a separate Department.

10. It would thus appear that the present system has not been accepted by Government as the best practicable system. There is no doubt that it does not add a pie to the cost of administration and that any independent system of management would cost a good deal. But as the late Honorable Ramiengar observed, "The additional expenditure would be repaid many times over by the increased economy resulting from the checking and prevention of abuses under the strict management proposed

to be introduced." Perhaps it is also possible to readjust the whole official machinery on the revenue side in such manner as to minimise the charges of administration. A central establishment at Headquarters with a chief on Rs 500 and office establishment consisting of a few accountants with one head accountant and a few correspondence clerks both for Vernacular and English sections would cost a little more than Rs 1,044 a month. The establishment of a supervising agency consisting of 3 Divisional officers and a few clerks &c. costing Rs 960 a month would be necessary, as the institutions are scattered in various nooks and corners over an area of 7,129 square miles. About 13 local officers in charge of various stations would come in for a monthly expenditure of Rs. 790. The total cost would appear to be prohibitive as the Department is not an earning one. I am confident that any outlay in this direction would bear fruit in a very short time by minimising if not extinguishing fraud and malpractices from the Department and by leading to general measures promoting economy.

I gave below the particulars of this scheme :—

*Commissioner and his office.*

Names of officials	Monthly pay		Total annual pay	
	Minimum Rs.	Maximum Rs.	Minimum Rs.	Maximum Rs.
1 Commissioner ...	500	700	6,000	8,400
1 Manager or Shirastadar ...	50	70	600	800
1 English Head Clerk ...	35	35	420	420
1 English Clerk ...	20	20	240	240
1 Vernacular Head Clerk ...	35	35	420	420
2 Vernacular Clerks at Rs. 20 each ..	40	40	480	480
1 Registering Clerk ...	15	15	180	180
1 Depatching Clerk ...	15	15	180	180
1 Record Keeper ...	20	20	240	240
1 Head Accountant ...	35	35	420	420
4 Accountants at Rs 20 each ...	80	80	960	960
6 Accountants at Rs 15 each ...	90	90	1,080	1,080
1 Mochi ...	7	7	84	84
1 Duffadar ...	10	10	120	120
4 Peons at Rs 6 each ...	24	24	288	288
4 Peons at Rs 7 each ...	28	28	336	336
1 Expert in Tnanthra Sastram ...	40	50	480	600
Total 32	1,044	1,274	12,528	15,288

*Assistant Commissioner's office.*

Name of officers				Monthly pay	Annual pay
				Rs	Rs
1	Assistant Commissioner	200 to 250 Rs	...	200	2,400
1	Head Clerk		..	20	240
2	Clerks on Rs 15 each		...	30	360
1	Head Accountant		...	20	240
2	Accountants on Rs 15 each		..	30	360
4	Peons at Rs 2 each		.	20	240
Total			...	320	3,840

*The cost of 3 Assistant Commissioners and their offices would be Rs. 11,520*  
*Superintendents, one for each of the following groups, First Class*

Groups.				Monthly pay	Annual pay
				Rs	Rs
	Poala and Agastiswaram		...	75	900
	Kalkulam and Eraniel		...	75	900
	Thiruvalla and Changanachery		...	75	900
	Chertala and Vaikom		...	75	900
	Ettumanoor, Meenachil and Kottayam		...	75	900
	Quilon, Kottarakara, Pathanapuram and Kunnathoor		...	75	900
6 Superintendents			...	450	5,400

*Superintendents Second Class.*

Groups				Monthly pay	Annual pay
				Rs	Rs.
	Vilavankod and Neyyattinkara		..	40	480
	Trivandrum and Nedumangad		...	40	480
	Mavelikara and Chenganoor		...	40	480
	Aler kad and Parur		...	40	480
	Muvattupuzha, Kunnathunad and Thodupuzha		...	40	480
5 Superintendents			...	250	2,400

*Superintendents, Third Class.*

Groups.	Monthly pay	Annual pay
	Rs.	Rs.
Chirayinkil, Ambalapuzha and Cape Comorin each on a monthly pay of Rs. 30 ...	90	1,080
3 Superintendents ...	90	1,080
Total number of Superintendents 14 ...	Rs. 740	Rs. 8,880

*Superintendent's Establishment.*

Name of officers	Monthly pay	Annual pay
	Rs.	Rs.
2 Rayasoms at Rs. 10 each ...	20	240
2 Accountants at Rs. 10 each ...	20	240
2 Peons at Rs. 5 each ...	10	120
Total ..	50	600

The officers for Cape Comorin, Ambalapuzha and Chirayinkil need not be given separate establishment, as the existing staff at those stations is sufficient. The office establishment of the remaining 11 Superintendents will cost annually Rs. 6,600.

11. Travelling allowances should be allowed to the Commissioner and the Assistant Commissioners. The Superintendents may generally be given a consolidated allowance of Rs. 10 a month for keeping a conveyance. The Quilon Superintendent who has to travel by train would require a higher allowance. A sum of Rs. 25 may be given to him. The Commissioner's travelling charges may not exceed Rs. 1,000 a year.



Those of the Assistant Commissioners may cost half as much more. The total charges for travelling may thus amount to Rs. 4,360 annually including the allowance for Superintendents. The allowance to the two members of the Board proposed by me in my report on purificatory rites may be fixed at Rs. 15 a month, and their *bona fide* travelling charges should also be paid, if they are required to move about. The total minimum cost of the Department will thus amount annually to Rs. 44,248 and the maximum cost will amount to Rs. 41,008.

12. If the number of Divisions be reduced to three, a Peishkar's salary amounting annually to Rs. 6,000 may be made available for the Commissioner. The existing Devaswom Shirastadar's office and the four Aminadars cost annually Rs. 6,432. The total of Rs. 12,432 being deducted from the estimated cost, the surplus that has to be found to meet the minimum cost is only Rs. 31,816 a year.

13. The First and Second Class Superintendents may be invested with Third Class Magistrate's powers.

14. The objection ordinarily raised to a scheme of this kind is, that it is doomed to fail, since it aims to remove the institutions in question from the sphere of the Tahsildar's influence. I have been told that if the measure were introduced, the car festival at Suchindram would certainly cease to be performed satisfactorily. I do not share these fears. It is alleged that the Devaswom Superintendents would not be able to exercise local influence to the extent the Tahsildars would be able to command. This objection seems to me to be illusory, as under the scheme, it is proposed to strengthen the hands of administration by instituting popular Boards. The members of these Boards would be people of local influence, and with their co-operation, I believe, the Superintendents would be able to secure popular help and sympathy directly and by legitimate means.

15. If, however, it be considered unwise at present, to leap in the dark by removing the Tahsildars altogether from the administration of charities, I would drop the proposal about Superintendents and allow the existing order of things, so far as the Tahsildars are concerned. But in such a case, it might be necessary to give them a little help. I shall refer to this down below in dealing with the subject on the supposition that the existing order of management is the least objectionable method suited to our circumstances.

16. If a separate Department for the management of Devaswoms &c., be tabooed as inexpedient, the next best thing appears to be to improve the existing machinery. The chief defects of the present system are the following:—

- (1) want of time to attend minutely to all the transactions personally;
- (2) want of due supervision by the higher authorities, like the Peishkar;
- (3) the temptation afforded by the duty of furnishing supplies &c., to utilize charity funds for other purposes;
- (4) the non-recognition of this branch of work as a substantial item of taluk and district officer's daily routine.

17. I would suggest that the Tahsildars be given some special help in the case of at least a few institutions, which on account of their importance, owing to their high style of expenditure and the large crowds of devotees they attract, deserve to have their transaction carried on under the most efficient and disinterested supervision. Among this class of institutions, I would include Ettumanoor, Vaikom, Ambalapuzha, Aranmula,

Haripad, Thiruvattar, Suchindram and Cape Comorin. Among these institutions themselves, we may have a classification into two orders. The temples of Suchindram, Vaikom and Ettumanoor deserve to be placed on a higher footing than the rest. The temples of Ambalapuzha, Aranmula, Cape Comorin, Thiruvattar and Haripad may be placed in the second class. I propose that these two classes of temples should be placed under the immediate charge of special managers acting under the Tahsildar. The pay of the 1st class manager may be Rs. 50 and of the 2nd class manager Rs. 35. These may be invested with the powers of a third class Magistrate. These managers would cost monthly Rs. 325. A clerk and a peon may be allowed them out of the existing establishment at the stations.

18. The remaining institutions may be managed under the present system by the Tahsildars themselves. The Deputy Tahsildars may be invested with third class or second class powers in order to lighten the work of the Tahsildar and thus enable him to devote substantial attention to the charitable institution in his charge.

19. The superior officer of the District should make it a point to pay surprise visits to all these institutions. Their circuit diaries should invariably contain notes of such inspection. It would be also advisable for the Huzur Secretary in charge of the Devaswom work to move about on a tour of inspection annually so that all the kindred institutions in the State may receive the benefit of a personal inspection from the officers of the Central Department which will pave the way for the introduction of generally uniform policy of administration which is now entirely wanting.

20. The system of calling upon the taluk authorities to furnish supplies to tourists is a vicious one, and the sooner it is

abolished the better for all concerned. It exposes the underlyings to the risks of considerable oppression from which they naturally seek to escape by resort to shady transactions. The most feasible remedy for this evil is to employ contractors for all kinds of supplies and services and to appoint a separate officer for each division to be in charge of this branch of work.

21. The last defect noticed by me may be easily removed. It requires very little for the taluk officers to be reminded of the importance of the work. The taluk officers have complained to me often that their position exposes them to treatment which, to say at least of it, is undignified. Most, if not all, of our Tahsildars are men of education and culture. It was not very long ago when I heard a Dewan speaking to certain superior officials of the desirability of offering seats to Tahsildars who visit them. The Munsiffs are generally treated as gentlemen; but the Tahsildars seem to consider that they are treated differently. The two sorts of officers are theoretically on the same grade, and I think there is much truth in the complaint of the Tahsildars. Due consideration for their position and respect for their feelings cannot be lost on them. I feel that it would, on the other hand, secure better administrative results.

## CHAPTER V

### GENERAL PRINCIPLES OF REVISION AND OTHER SUNDRY MATTERS DISCUSSED.

The padivu expenditure in incorporated Devaswoms in paddy and money amounts to 7,58,039 paras  $6\frac{3}{4}$  edangazhies of paddy and Rs. 2,57,819-13 chs.-12 cash. This is exclusively of the allotment from Oottus amounting to 13,309 paras and  $1\frac{1}{2}$  edangazhies of paddy and Rs. 4,450-3 chs.-1 cash. The total allotment is equal to 7,71,348 paras  $7\frac{7}{8}$  edangazhies of paddy and Rs. 2,71,269-16 chs.-13 cash. The actual expenditure of the incorporated Devaswoms amounts to 7,59,810 paras  $7\frac{1}{2}$  edangazhies of paddy and Rs. 3,19,893-8 chs. 11 cash. Out of this, a sum of 4,952 paras  $7\frac{3}{4}$  edangazhies of paddy and Rs. 663-4 chs. 2 cash to be debited to Dharmapullu and Thanner Pandal. The balance of 7,54,858 paras  $\frac{1}{2}$  edangazhy and Rs. 3,19,230-4 chs. 9 cash is the expenditure on incorporated temples. (Ex. A F.)

2. The padivu for the unincorporated Devaswoms is 61,865 paras  $7\frac{1}{2}$  edangazhies of paddy, and Rs. 17,443-17 chs.-9 cash. The expenditure amounts to 61,258 paras  $6\frac{1}{2}$  edangazhies of paddy and Rs. 17,222-2 chs. 7 cash. (Ex. A F.) The padivu for foreign Devaswoms including a grant of 83 paras  $9\frac{1}{2}$  edangazhies of paddy and Rs. 104-0 chs. from Vaikom Oottu to Thrippunithura Krishnaswami amounts to 71,101 paras  $7\frac{1}{2}$  edangazhies of paddy and Rs. 10,634-26 chs.-5 cash. The expenditure in paddy is equal to the padivu. The expenditure is met partly from taluk treasury and partly from the Huzur treasury. The taluk returns bear out the whole of the expenditure in paddy and a money expenditure of Rs. 5,821-5 chs. 14 cash. The Audit Office figures bear out an expenditure of Rs. 2,341-5 chs.-1 cash. The taluk returns for Shencotta show that a sum of Rs. 21-16 chs.-6 cash

allotted to Rameswaram pagoda is not being disbursed for some time past. I have not received statements of expenditure for the sum of Rs. 2,450-27chs. (Ex. A F). The padivu for Sri Padmanabha Swamy's pagoda is equal to 91,208 paras  $2\frac{1}{6}$  edangazhies of paddy and Rs. 86,843-2 chs. 4 cash. The expenditure is equal to 91,123 paras  $8\frac{9}{16}$  edangazhies of paddy and Rs. 90,160 13 chs.-4 cash (Ex. A F).

3. The total padivu for Devaswoms, local and foreign, incorporated, and unincorporated amounts to 9,31,524 paras  $4\frac{3}{4}$  edangazhies of paddy and Rs. 3,87,191-6 chs.-15 cash. The total expenditure is 9,14,342 paras  $2\frac{1}{2}$  edangazhies of paddy and Rs. 4,34,775-3 chs.-3 cash

4. If all the provisions expecting rice be supplied in quantities equal to the padivu at market rates, the additional expenditure would amount to Rs. 1,01,233-14 chs. 11 cash. And Government would have to bear the difference between the market rate and the commutation rate for the whole quantity of paddy required.

5 It is necessary therefore to settle at the outset, the principles to be followed in fixing the scales, so that economy and efficiency may be better secured.

6 I addressed the following observation to Government on 15th Audi 1082. " It appears that Government has treated the Ezhuthitheeruva Devaswoms generally in three different ways. In the case of some Devaswoms, the actual expenditure in money for the padivu quantity of provisions is sanctioned. In the case of some other Devaswoms, expenditure in excess of the padivu is allowed to the extent only of stoppages and chilavumichom, and finally, there are some temples, and they form the majority, where no excess expenditure is allowed, though it cannot be denied that such temples also require help, if the padivu standard

of expenditure has to be maintained. The disparity in the treatment of these three classes of institutions is probably due to the general conception of their relative importance either in point of wealth or of attraction of pilgrims and so forth. The 3rd class of Devaswoms appears to me to require more active help in the future from Government than the others which are already receiving full or at least substantial contributions to meet the surplus cost arising from the steady rise of the value of provisions. But I am also aware that it is undesirable to continue a padivu simply for the reason that it was fixed long ago, if the scale laid down is capable of being curtailed without interfering with the essential rites and services to be performed \* \* \* \*

I may take this opportunity of stating that any padivu I may be able to draw up can only be a fairly tentative one and that strict accuracy and thorough retrenchment can be secured only by scrupulous supervision in the practical working of the scheme, with an eye to economy. I propose to work on the broad lines enunciated above, keeping in view the difference in the market price of a para of paddy and the value assumed for the purpose of revenue, and curtailing the expenditure in paddy on all heads, except Nivedyom with the object of keeping down the expense as far as possible."

7. I shall quote the late Dewan's comments on my observations. "In reference to paras 5 and 9 of the report, Government hope that no ideal padivu will be tolerated for any institution but a padivu will be fixed in reference to all important considerations such as, (1) the original padivu or the prevailing padivu, (2) the ratio of its cost to the original assests or income of the temple if ascertainable, (3) the scale of it in reference to the then and the present importance and position of the institution, (4) a comparison of their present actual needs, (5) the mutual proportion of the several items, (6) the relative cost as determinable by the

then and present prices, (7) the position the institution occupies in the general scale and how much should be or could be allowed having regard to the total assets, income and receipts, expenditure on account of all such institutions. Government expect that the paramount considerations will be (a) necessity (b) economy, and I have no doubt that the special officer will bear these in mind."

8 I have considered the subject most anxiously and discussed it with several independent gentlemen who felt a sympathetic interest in temple matters. There is doubtless a wide divergence of views on the point. Some are inclined to think that the *padivas* sanctioned in the days of Colonel Munro should be maintained without any change whatever. This view has found exponents in official and non-official circles. A memorial from the *Aryabhivardhini Sabha* of Mankombu has given expression to this view (*vide* Ex. G.) Mr. Subrahmanya Aiyar, the only Dewan Peishkar who has been kind enough to help me with an exposition of his views, has written as follows:—"That those *padivas* were greatly curtailed by Col. Munro, is a matter of reliable tradition. To reduce these *padivas* still further or to sanction such fixed allotment that would have the same effect is unwarranted. The Devaswom is either a trust of Government or Government's part and parcel. In the former case, the Government must be bound by the duties and limitations of a trustee. In the latter case, allotments should be increased just as other Departmental allotments have been increased within the last few decades. Any other position would be just and inequitable" (*vide* Ex. L.)

9 It will be seen that the general question of principle involved in the subject under consideration relates to the nature of the settlement made in 1987. I have already cited Dewan Sashih Sastri's observation that that settlement was made on a permanent basis and have also added that the remark is



some-what ambiguous Does the remark mean that the padivu was fixed in money or in provisions? The practice of reappropriating savings for current expenditure is against the view that according to that settlement the padivu value of provisions should never be exceeded. The practice of paying the Nirak value in the case of provisions supplied formerly by viruthikars is also opposed to that view. It would be extremely unreasonable to hold that the intentions of those who framed the scales in 987 was to fix the money allotment for provisions permanently once and for ever, without reserving to the institutions any claim for an additional allotment in consequence of the general advance in market prices. In the term "provisions," I include everything but rice as it cannot be denied that the quantity of this article was fixed in paddy.

10 I have already shown that the settlement of 987 was equal to the annual income of the Devaswom properties and included items of expenditure borne till then by the State out of its own resources. According to my calculation, the Sirkar made a profit of 2 lakhs of Rupees from the date of assumption. But the padivu fixed in 987 does not appear to have made any provision for the cost of periodical repairs of temples and their furniture. The cost on these heads must be not inconsiderable. In Dewan Mr Seshiah Sastri's Report, the cost of repairs and reconstruction of pagodas for the years 1048 and 1049 is mentioned to be Rs. 26,990 and Rs. 41,250 respectively. The outlay for repairs of copper and brass utensils of all Sirkar institutions &c. for those two years is given as Rs. 7,049 and Rs. 1,447 respectively. The average annual cost of repairing vessels appears, from the informations supplied to me by the Chempu Panippura Department, to be  $33,565\frac{1}{8}$  fs (Ex. 1). The taluk returns show an annual average expenditure of  $5,13,708\frac{5}{16}$  fs. for repairs to temples &c. The cost for purificatory rites

appears to have stood at the following figures for the decades noted below :—

Particulars of decades.	fs.	chs.	cash.
1019 to 1030	76,312	2	7
1031 „ 1040	1,18,498	3	5
1041 „ 1050	1,72,200	0	10
1051 „ 1060	2,47,201	2	6
1061 „ 1070	10,93,552	1	10
1071 „ 1080	7,62,647	1	11

11. These items of expenditure are usually met in private temples from the collections of offertories *augmented* by voluntary contributions and the rates payable on such occasions by Devaswom tenants. From enquiries instituted by me. I learn that in many private temples, the normal collections are consumed by the ordinary and extra-ordinary ceremonies, the acknowledged principle of action being that the balance, after meeting the ordinary, daily and monthly ceremonies, should be spent on Utsavams. But the scale for the Sirkar temples appear to have been framed on lines which left a very substantial balance of 2 lakhs in favour of the Sirkar out of the normal revenue itself. Besides the revenue from landed properties, Sirkar Devaswoms are credited with receipts under the following heads:—

- (1) "the proceeds of the offering boxes which are opened occasionally and credited for repairs or other extraordinary works in connection with the institution,
- (2) the proceeds of the daily open offerings and sale of rice, and
- (3) the proceeds of the sale of offices or the levy of fixed fees in connection with them."

The Sirkar Devaswoms do not receive any subsidy in the nature of private contributions for repairs &c. The special cesses collected from Devaswom land-holders of private institutions have altogether vanished from the Devaswom Revenue system. The offertories bring in some revenue which is, however, so precarious and extremely sensitive an item as to be affected by the slightest change in the public sentiment.

12 It is any how clear that the Sirkar has to spend a part of the savings for repairs &c., and the amount of such contributions may go on increasing from year to year with the decline of public support. Even allowing that on an average 2 lakh was annually spent by the Sirkar on these heads out of the savings they have still to account for a lakh every year.

13 Calculating the savings at a lakh of Rupees from the date of assumption, the State may be said to be indebted to the Devaswoms to the extent of a crore of Rupees which at 3 per cent will yield 3 lakhs a year. To this it is no answer to say that the Sirkar has not been given credit for the expense on the staff maintained for supervision. For such supervision probably entailed no considerable expense when the institutions were managed by the Oorals themselves.

14 Mr. Subrahmanya Aiyar's views are those of a sympathetic lover of our national religion and religious institutions. The position of Government in the matter of these Devaswoms is, as observed elsewhere in this paper, that of Melkoma trustee. As such their interest in Devaswom properties is not different from that of ordinary trustees. But, as far as the management of the institutions is concerned, they have a paramount duty, to maintain them in the most efficient condition possible, with reference to their resources. Trustees have the power of modifying the scale of expenditure to suit the interests

of the institutions under their charge. - Mr. Subrahmania Aiyar has alluded to the fact that prior to the assumption of Devaswoms, by the Sirkar, "the expenses of the temple had been met by the income derived by leasing out the lands belonging thereto at necessary intervals and obtaining rent at the highest and most profitable rates both in kind and in money, according as they served the interests of the institutions best. But he has omitted to notice the fact that private institutions are often dragged into courts in connection with their claims for rents and renewals, and that often Oralers are forced to give up their claims on account of the difficulties of collection. It is undeniable that Government connection with Devaswoms has had a beneficial effect in saving valuable property from being frittered or wasted away. This was possible only by making the revenue collections easy and simple. To this end the system of Devaswom land administration was gradually changed after the Sirkar assumption of Devaswoms. It is impossible now for Government to take the position of private landlords and screw out rents as the latter do. The Kangany and Amani system of land tax administration disappeared long ago, and the system of Devaswom land administration has been assimilated to the lines on which the general administration of land revenue is carried on. Besides, in many case, the land as we have seen became Sirkar lands and in others they were leased at rates equivalent to the rates for pandarapattom lands. In the recent settlement, patta has been granted for these lands, and there can be no revision of the rent during the currency of the present settlement.

15. The remedy, it may be urged, is to divorce the management of pagodas totally from the sphere of Government. But to adopt the remedy would amount to the violation of one of the primary duties of Government which is to protect all public property and public rights. "The king of England in

Further, it is not of much use to undertake this work before completion of settlement. The work of tabulation will require some time and I think Government might direct the Settlement Department to continue the work originally entrusted to them of ascertaining the income of Devaswom properties. Under these circumstances, and since the Sirkar as trustee or Melkoima is answerable for the well-being of all the institutions in their charge I think it not altogether wrong in principle to lay down that in fixing the padivus, it is enough if the total expenditure on account of all institutions is so arranged as not to exceed their revenue

19. I have given the subject of the revision of scales my most anxious consideration with a view to give full effect consistently with these general principles to the instructions conveyed to me by the Dewan. He has laid down most definitely that no ideal padivu will be tolerated for any institution. He has also distinctly laid down that the scale framed should be based on a comparison of the past and present actual needs of the institutions, its financial position, the mutual proportion of the several items in the padivu, the relative cost as determinable by the past and present mutual prices, and the income and the expenditure of all such institutions as a whole. I shall give below the conclusions I have arrived at.

20. The Nivedyoms cannot be reduced in quantity. The belief is, that the virtue of a pagoda is proportionate to the quantity of Nivedyom offering and that among the varieties of food offered as Nivedyom for the higher grades of gods, those in which milk, sugar, and ghee preponderate should be maintained according to the standard. The price of milk and ghee has risen very considerably and the padivu prices are extremely low. The padivu generally valued milk at twice the quantity of paddy. A para of milk according to the padivu is generally valued at 2

paras of paddy. This is a fair price. Say a para of paddy is worth 5 fs., a para of milk could be paid for at the rate of 10 fs., though it is doubtful if the article could be procured in all places throughout the country at this price. But the price now allowed for 1 para of milk is in some cases 8 chs. and in others much less.

21. According to padivu, 36 paras of milk are required for Palpayasom daily at Ambalapuzha. I wonder if it is possible to procure this supply daily. About 700 country cows would be necessary to yield this quantity. We have no statistics for ascertaining whether the 7 or 8 muries or karas which supply this quantity contain so many milking cows. On enquiry, I learnt that Nair women of poor means made it their vocation to engage a few cows on hire from adjacent taluks and supply their milk to the pagoda. I also learnt that during a great part of the year, the supply of milk was not equal to the standard quantity, and that the deficiency was made up by drawing larger supplies towards the end of the year. It is very doubtful if the total quantity received in the year is ever equal to the standard total at 36 paras per diem. The daily quantity of rice fixed for this payasom is 3 paras  $6\frac{1}{2}$  edangazhies. But for several years past, only  $1\frac{1}{2}$  paras of rice are reported to be utilized for payasom and the remaining  $2\frac{1}{2}$  paras are cooked as rice and offered as Nivedyom. Ordinarily, milk equal to 4 or 6 times the quantity of rice is prescribed for payasom. If so, 9 paras of milk would be required for  $1\frac{1}{2}$  paras of rice. The price would be somewhere about 90 fs. It might be satisfactory if it was understood that only 9 paras of pure milk were required to be credited. But the fiction of 36 paras is maintained with the result that the milkmaid is allowed free choice in deciding the proportion in which she may add milk to the water or water to milk, subject to the ruling of the milk-measurer about the quantity for which she may be paid at the fixed rate of  $4\frac{1}{2}$  fs. per para. It is a very interesting

spectacle to watch how the water which passes for milk is measured and booked. Sometimes, two or three measures go to make one measure in the accounts. It is believed that the measurer can intuitively scent the actual proportion of water in the mixture and that his opinion is conclusive. Let us believe in the unerring quality of this milk measurer's instinct. But nevertheless, I think we require a better criterion for adjudging the value of the article we get for our money. The path for reaching this goal would be rendered easy only if we insist upon the fairly good article being supplied. In such a case, a fair price would have to be paid. I think that there is no reason in maintaining such a broad gulf as exists now between the actual market price and the standard price or in maintaining fictitious entries of the quantity of milk and water which is purchased. The books should therefore only show the quantity actually supplied and nothing more.

22 In almost all places I visited in connection with my special duty I found that the price of milk was never less than  $1\frac{1}{2}$  chs. for Mudra Nazhi, *i. e.*, 1 ch for Agrasala. This rate should be adopted generally for important temples and the quantity available for the sanctioned amount of money should alone be purchased.

23 The question of palpayasom gave me no little trouble. In the opinion of Chirayinkil Tahsildar, the quantity of milk for palpayasom should be fixed with reference to padivu value. He was of opinion that no more than the quantity of milk that could be had for the padivu amount should be purchased. In his view, the ruling consideration ought to be that no extra expenditure beyond the padivu value should be incurred for milk. I do not think that this is a correct attitude to take in the matter. At any rate, it is inconsistent with his further view that though, when the quantity of milk is reduced, only a portion of the standard quantity of rice fixed for the payasom would be

required for it, the rest of the rice should be cooked as rice and offered as Nivedyom. Anyhow, the Ambalapuzha practice supports the gentleman's view. I have already observed that the Nivedyom of payasom is, according to the accepted nations, an essential act conducing to the spirituality of the pagoda. I would therefore suggest that in the case of all temples of the first class, the whole quantity of milk required as for padivu should be purchased as its actual cost which may be fixed at 10 fs. a para. In regard to temples of the 2nd and 3rd classes, the allotment for milk may be fixed converting its padivu value in kind into money at the rate of 11 chs. per para. This would give 22 chs. as the amount available for the purchase of 1 para of milk. This is a little more than half the actual price of milk. If, however, the whole price cannot be paid, the next best thing would be to purchase the quantity that can be had for the amount available at the above said rate. The palpayasom cannot materially deteriorate by the addition of water in some quantity. In the case of 2nd and 3rd class temples the quantity of water to be added will be equal to the quantity of milk used. Temples of less importance must get on with the milk available for the prevailing padivu amount. In this connection I have to make a few observations about the Ambalapuzha palpayasom. This Nivedyom has earned a fame which has spread beyond the borders of our country. At one time it was the practice to carry this payasom from Ambalapuzha to Quilon and other places in Chundan vallams or snake boats for the use of members of the royal family on tour. The reputation of this payasom is, however, gradually declining. I would therefore propose to cook the whole of the payasom according to padivu. This pagoda gets many heads of cattle yearly as offerings. If they are properly taken care of, I am of opinion that you could rely upon the temple cows themselves for a substantial supply of milk daily. There is a very liberal supply of grass or straw, the annual allotment for this head in the padivu



being 1,548 paras and 1½ edangazhies of paddy. The standard quantity of straw to be supplied is 150 bundles per diem or 54,700 bundles in the year. At the commutation rate of 2½ is per para, the allotment is equal to Rs 600 a year in round numbers. There are a few servants besides. But there used to be no cows at all in the stall. Recently, the authorities showed sign of some stir and in Audy last, when I was there, I was shown a register of cattle opened a few months previously. I was given to understand that a good milch cow whose milk was being used for Abhishekom for a few days in the temple was missing. There are cattle lifters in Ambalapuzha and it is reported that Krishnaswamy's cows afford milk to many milk maids who sell the same to the temple. I think the cattle offered to this and other temples may be utilized to start a cattle farm which may be located at a station where there is plenty of pasture. It strikes me that Changanachery is a proper place for beginning an experiment of this sort. The proceeds of the dairy may be utilized for the expenditure in milk in the pagoda. I was also informed at Ambalapuzha that if the people were confident that cows offered to the pagoda would be taken due care of, the number of offerings would increase. The experiment is worth a trial. I may also suggest that a few of the seed bulls proposed by Government to be supplied to each Division may be allocated to this farm.

24 The quantity of milk for daily Abhishekom in the second and third class temples may be fixed at the quantity available for the paddy allotment commuted at 11 chs per para and in respect of temples of minor importance the old padivu rate may be continued. The milk for daily Abhishekom and other articles for Nityanidanom should be supplied in full as per padivu.

25 The second general conclusion I have formed is, that the periodical services like Masavishesom &c are of secondary importance. In foreign temples like Courtallum &c, the practice

appears to be to take padivu provisions as the standard for daily services whereas, for the periodical services like those for Sivaratri &c., the practice is to adopt the standard money valuation and to keep the expenditure within that limit. I think this principle is fair and I have adopted it. I may also add that I put this view forward to many independent private gentlemen during my tour, and they approved of it.

26. The number of Namaskaroms originally fixed ought not to be reduced except in those cases where you cannot command the necessary number of guests. These Namaskaroms are supposed to add to the sanctity of the pagoda. I have referred to this aspect of the matter in the report about purificatory rites. I must, however, notice that the quantity of rice allowed per head in the padivu for a Namaskarom meal is more than is actually necessary. The padivu rate is 3 nazhies of rice per head. It was observed to me by some old men that the generation which required this rate has passed away. Others told me that the old pagoda measure was much smaller than the present settlement or Agrasala measure and that the ration was fixed in terms of the smaller measure which was in use in those olden days. The Valia Chalay temple at Trivandrum is supposed to feed 9 Brahmans with Namaskarom food. The padivu quantity of rice for Namaskarom in this pagoda is 27 nazhies. Formerly rice was measured out according to chandra para. But since 1007 or so, the settlement measure has taken the place of the measure. The former has a larger capacity than the latter, the difference being 3 nazhies to a para. Thus, the present contribution for Namaskarom in the pagoda is equal to 27 Agrasala nazhies. This is sufficient ordinarily to feed 14 men. But only 9 are supposed to be fed on this. The balance is clearly misappropriated. I think it safe and proper to fix 2 nazhies as a sufficient quantity for a person. A reduction in the quantity of

rice for Namaskaroms as proposed by me is not unjustifiable. I have calculated the cost of provisions for Namaskarams at the rate of 8 cash per head per meal. I found on valuing all the koppus prescribed for Namaskarom in Suchindram, at the present day prices, that the total is in excess of the figure according to my rate by nearly 150 fs. in a year. The number of daily Namaskaroms in this pagoda is 31. The reduction per head in a year is therefore less than 5 fs. But this reduction is of no consequence, as the padivu menu for Namaskarom in this pagoda is very luxurious

27. The expenditure on tamash may be reduced to some extent. I doubt the advisability of making substantial reductions on this head, as this item in the Utsavam programme appeals to the emotions and religious sentiments of the illiterate masses, more than the religious ceremonies themselves. But I think a reduction on some general principle is desirable. In every big temple there is an item called Yathra-ayappu under which head large quantities of paddy and large sums of money are expended on musicians, dramatists, acrobats &c. The allowance for Ambalapuzha on this and fireworks amounts, to 760 paras of rice and Rs 500. There is a wide-spread suspicion that the whole of it is not spent on the objects for which it was intended. I propose that the allotment in rice and money under this head may be generally reduced a bit. The rice allotted in the padivu for this head may be converted into money at the commutation rate for paddy and this sum together with the whole of the padivu money allotment may be fixed at as the maximum amount to be utilized for Yathra-ayappu &c. The allowance paid in rice under this head to musicians and other servants of the Devaswom concerne sholud be valued at  $3\frac{1}{2}$  fs. per para of paddy, the quantity of paddy required for a para of rice including pounding charges being taken to be 2 paras 2

edangazhies I am of opinion that it is not desirable to make any departure from the padivu scale of allowances to the servants of the Devaswom concerned, as their pay is genearily small.

28. The payment of wages in kind may be converted into money as far as possible at the rate of 14 chs. per para of paddy has been selling for the past few years at the rate  $4\frac{1}{2}$  and 5 fs. per mudra para even at harvest times. It has never fallen below 18 chs. during the past few years. Taking 18 chs. as the basis, the price of 1 Agrasala para may be fixed at 14 chs.

29. The pagoda establishment is generally composed of a low-paid staff. It is impossible to raise the pay of all these men. Some of these are persons appointed by the representatives of the former trustees of the institution in question. There is a Koima at Vaikom who is appointed by the Vanjipuzha Chief, The Melsanthi and Kizhsanthi at Ambalapuzha are persons, appointed by Thekkedathu Bhattathiri. There are officers in Devaswoms known as Sthanakanakoos appointed by the former Ooranmakars and paid by the Sirkar. The persons appointed by these ex-trustees are generally not persons possessing any qualification. It is not necessary to raise the pay of these people. It is, however, necessary to readjust the number of hands among the superior grade of temple officers, viz, Sreekariam, Chandrom and Pillai, and also among the subordinate ranks including only Kalavara and Kaval as the present number of these servants appears in some cases to be unnecessarily large. Such a step is further necessary in order to find funds for increasing the pay of the staff which is inadequate. In some large institutions there appear to be a supernumerary staff of sweepers and petty servants. I was informed by Mr. Krishna Aiyengar who experience in these matters is unrivalled, that it would be an ill-advised measure to reduce their numbers, as they would all be found necessary during important ceremonial occasions, when, it will not be possible to

engage extra hands, except at great cost I also propose to do away with Kidupidv and Dammanom as they have gone entirely out of fashion But I do not propose interfering with the Dammanom where it is carried on the back of bulls or such other animals

30 In the case of minor temples whose expenditure does not exceed Rs 200 a year according to the old vilatharam rate, I think it is undesirable to add to the cost by retaining an establishment consisting of a Chandrakaran, Pillay, &c on such small pay as 7 chs. and so forth Efficiency cannot be secured by retaining such low-paid servants. A measure providing for increased emoluments in the case of these servants would swell the expenditure Say, we employed 4 servants and paid them at the rate of Rs. 6 and 4 each, the cost of this establishment for all these alone would amount to Rs 1,320 per month or Re 15,840 a year It should be pointed out that before the assumption of these Devaswoms, the cost of their supervision was probably nil, as the founders or villagers attended to it without any remuneration There is not much scope for waste or misappropriation in these Devaswoms The Nivedyoms and &c., are distributed as allowances among the servants of the pagoda These servants themselves have therefore an abiding interest in seeing that the standard is practically followed out I propose that these institutions be handed over to a Village Board for management. It is not necessary to appoint any clerk to help the Board They should be able to get the work done gratuitously, as it is not likely to be very great I am not entirely hopeless about the practicability of the proposed scheme I may allude here to an appeal presented to me by the Raja of Parur promising to take charge of 4 Devaswoms in Alengad taluk (*vide* Ex Y) If the appointment of a Board is impracticable, these small institutions may be classed with the unincorporated Devaswoms and handed over

to, Proverthikaren for management; or they may be grouped under other important Devaswoms which posses an adequate establishment.

31. I am further of opinion that the allotment for sadya may be cut down slightly. My information is that in almost all institutions with a big padivu for sadya, the whole of the rice though consumed is not necessarily cooked and distributed. In many places that I visited, it was reported to me that a part of the rice was sold and the proceeds applied for other purposes. There is besides a good deal of waste in the distribution of rice. It is a matter of great notoriety that the Warriar who holds a hereditary office in the Vaikom pagoda makes a very large profit annually by the sale of the table refuse. The profit is estimated to be not less than Rs 500 a year, though some have assured me that it would be four times that amount. When the late Mr. Rama Row, C. I. E., was Peishkar of the Division, he was approached with a request to put up to auction the right of collecting and disposing of the plantain leaves after dinner; but he replied that it was too mean to descend to selling such refuse I mention this only to show that the report I have referred to is not altogether unfounded. Ordinarily, the profuseness which marks the way in which guests are served at meals itself is a source of waste. In illustration of this I may refer to the huge waste of plantain fruits, which has been going on at Ambalapuzha during the Utsavam festival. On the 9th day, a grand feast is given to Marars. The practice on this occasion is, to hang a very large number of plantain fruit bunches in or about the large dining hall. The diners rush into the hall and pull the bunches and generally make themselves merry, not by eating the fruits which it would be quite legitimate to do, but by trampling on them and crushing them under their feet. Three lakhs of plantain fruits costing Rs. 1,500 are thus thrown away to be converted into slush which even swine, would refuse to sniff at.

32. At Ambalapuzha, I learnt from enquiry that a general feeding of all Brahmins and Ambalavasies would not ordinarily require more than 30 paras of rice. But several hundreds of paras of rice are cooked and distributed during the Utsavam. As there is little time to get through the cooking, the practice is to heap one layer of well-boiled rice in a warm state on a mat, and to cover it with a layer of unboiled rice and place over it again another layer of half boiled rice, and so on with a layer of full-boiled rice at the top. This rice is distributed pell mell in baskets. Influential men used to supply themselves with a sufficient quantity of this rice to pay off the wages of their washermen and barbers. It would appear that this rice which is more like raw grain than boiled rice is cured in the sun and preserved for use like ordinary grain. This was the practice to my personal knowledge some 25 years ago. Even now I believe the process of cooking has not undergone any material change though possibly in the distribution there is less misappropriation.

33. I think it is high time that all such waste is rigorously stopped. I think therefore that generally rice equal to three-fourth of the padivu quantity would be found sufficient for all Sadyas. At Ambalapuzha I learnt from the Tahsildar and his Deputy that 1,500 paras would answer both for Sadya and Swayampakom though the padivu in this temple for these two heads is 3,250 paras. I have therefore proposed only 1,500 paras for this Devaswom. For Sadyas I would fix the cost of all provisions but rice in money. A rate of Rs.  $3\frac{1}{2}$  including the cook's charges of  $\frac{1}{2}$  a Rupee would be quite sufficient for a para of rice, in the case of all those pagodas which receive Vilavasi. This rate is slightly higher than the rate yielded by the present cost of Sadya at Ambalapuzha and Vaikom. Probably in those places, the quantity of rice returned as cooked is not correct. In case of pagodas which are not allowed Vilavasi, I propose to

allot for Sadya just what is available out of the padivu allotment for those pagodas.

34. Pakarcha distribution should be reduced, as it is a source of waste and misappropriation. I would suggest that Pakarcha from temples on Sadya occasions be totally dispensed with except in the case of the old trustees &c. to whom it may be continued as a mark of courtesy.

35. The consumption of oil for torches &c. is an item which requires strict scrutiny. In the temples of Haripad, Ambalapuzha, Vaikom, Ettumanoor, &c., the item of oil consumption for Utsavam is a very substantial one. Last year the Dewan refused sanction the purchase of the standard quantity of oil prescribed for Haripad Utsavam. That quantity is 300 paras. The Dewan allowed 250 paras alone to be purchased. When I visited Haripad the local people pestered me with the complaint that the Dewan's action was extremely unfair in consideration of the importance of the temple. I had reasons to know that the oil expenditure in this pagoda during Utsavams was for a series of years being watched with care, and that the account entries were more or less reliable. I personally examined the original registers kept for oil consumption and I found that the average oil consumption for the Utsavam stood between 270 and 280 paras.

36. The high rate of oil consumption is due generally to long and weary processions. They are brought to a close only with the rising of the sun. An item called "seva" is responsible for the delay in processions. The duration of the seva appears to have grown and developed to an inordinate length. The officers in charge of the Utsavams are responsible for this. The evil is not of recent origin. In Haripad, I am told this item began to swell from the days of a Tahsildar called Renga Row. When Mr. Rama Row, C. I. E., was Peishkar of Quilon, he used to take



a personal interest in the Utsavams of our important pagodas. The persons who take interest in the seva are not the ordinary masses, but the upper ten who have got a refined ear for music. Generally from the 5th day of an Utsavam, the lighting and spectacular display go on increasing till they reach the climax on the 9th or 10th day. The rage for seva and torch light processions is so strong with those responsible for the conduct of the Utsavams that it is allowed to interfere with regularity of the services to the Deity. The Pallivetta, I am given to understand, should be closed before midnight. On a certain occasion, this procession began at Haripad towards day break.

37 In these circumstances, I think the Dewan erred on the side of extravagance in allowing 250 paras for the Haripad Utsavam last year. I do not think that more than 200 paras should be allowed. I am sure that by proper economical management the processions and lighting can be conducted successfully with the proposed quantity. One hundred torches or Deevatties and more are lighted on these occasions with the result that the road is saturated with oil. This is a huge waste. In the temples of South Travancore, Punnakka oil is used for torch light processions outside the precincts of the pagoda. But in the remaining temples of the country, this oil is rigorously tabooed. It would be cheaper to use kerosine oil for processions. The Thanthries would never permit it. But I do not think there is any objection to using kerosine oil outside the temple premises. I was told by a Nair gentleman of position in the north, that the dry fruits of the Odalom, soaked in kerosine oil, when lighted, burn more brilliantly than cocoanut oil torches and that the cost is comparatively very much less. It might be found practicable to introduce this mode of lighting in course of time.

38. I think that the standard of oil supply for Vaikom alone need be fixed at the highest figure. The average quantity

returned as consumed during the Ashtami Utsavam at Vaikom appears to be about 642 paras or sothanas. I have reasons to know that a part of the oil booked as spent on the Utsavam is really kept in store to meet the demand for Nityanidanom, &c. There is a large supply of old oil kept in the pagoda for which there is no account. As hitherto, oil for this pagoda was supplied from Kettuthengu collections, the actual expenditure has not been properly booked, the practice being to enter the whole supply as spent. This practice is an old time-honoured one. Under these circumstances, I think 300 paras of oil may be considered sufficient for this Utsavam at Vaikom. But the general maximum for an Utsavam in other pagodas should, I think, not exceed 200 paras.

39. I propose to fix the daily supply of oil for lighting in pagodas with reference to the number of lamps maintained in the pagodas and the length of time for which they should be lighted to meet the requirements of the Pooja service &c. I find that in almost all temples of any consequence there is provision for maintaining at least one light during day and night. This is called "Vadavilakku," *i. e.*, "the never-dying light." It need not surprise us if in most temples this Vadavilakku has disappeared now. If the oil used is cocoanut oil, it will require 4 edangazhies per month to maintain a lamp with one cotton wick. If it is gingelly oil, the quantity will be 5 edangazhies. I propose following this rate for Vadavilakku. About  $2\frac{1}{2}$  thudams of cocoanut oil will do for a lamp with 1 wick for 24 hours. A few lamps in all our temples are lighted in the evening and kept burning till the pagoda is closed. They are called "Kalavilakkus." There are other lights which are put up immediately before Deeparadhana. These are called "Samayavilakku." I shall fix the supply of oil for the pagodas in consideration of their requirements for Samayavilakku, Kalavilakku and Vadavilakku.

40. The quantity of ghee for cakes may be fixed at 1 nazhi for an edangazhy of rice. The proportion of jaggery or sugar for payasom may also be fixed at a uniform rate. (*Vide* Ex. A A). These proposals apply to all temples except those of the first class, in respect of which I have followed the padivu itself. I have followed the padivu in regard to one pagoda of the second class, *viz.*, Thiruvarpu, because it is a very important pagoda.

41. The supplies which have been affected by the rise in market prices consist chiefly of cocoanuts, cocoanut oil, ghee and milk. The recent abolition of Kettuthengu oil in the northern taluks may be expected to considerably accentuate the pressure on the financial equilibrium. According to the Survey Memorandum 10,296 sathanas or paras of oil were leviable in kind in 6 taluks. The oil supply of many of the important temples in the north was met from this source. The whole of this assessment has now been converted into money at the rate of, I think, Rs. 2 per para of oil. The padivu price of oil is 3 chs. per edangazhy. It is now nearly 16 chs. The price of ghee has also risen very considerably. The present price ranges generally between 2 and 2½ fs. per edangazhy. In most of our Devaswoms, cocoanut oil has taken the place of ghee. And in a few temples, a mixture of ghee, in which cocoanut oil preponderates, passes for ghee. The mixture is valued at 5 fs. per edangazey; whereas the price of 1 edangazhy of the genuine article is between 12 and 14 fs. The price of cocoanuts is much higher now than before. I propose that the padivu supplies for Nityanidanam in all first class temples should be maintained. I have, however, prescribed a uniform standard of ghee for Upastharanom in all these temples (Ex. A A), and in the other grades of temples, I have tried to follow the padivu scale for the Nityanidanom supplies as closely as possible within the amount of savings effected by retrenchments.

42. It also appears to me that the quantity of betel and nut allowed for Nivedyom in all but first class pagodas may be modified subject to a minimum of 3 leaves and 1 nut. The Ex-Ooranmakars of certain temples are allowed a certain number of betel leaves during Utsavams. The practice in some pagodas is to pay them the padivu valued though the Sirkar is probably charged with the actual cost. In Vaikom the cost under this head comes to Rs 300 though the padivu value is Rs. 36. There are various other items of this sort which may be cut down. I think that these items should not be valued in excess of the padivu price.

43. In almost all pagodas, the provision for firewood is nil or very scanty.

44. Formerly the temple compounds themselves yielded sufficient fuel for daily use, and so we find no uniformity in the padivu in respect of this item. In a few temples an allowance is made for the charges of cutting fuel, and in a few others the duty of supplying the same is imposed on some hereditary servant of the pagoda. A few of hereditary servants given properties on Karanma tenure. Most of these tenure-holders have now preferred to pay vilayartham and convert the tenure into a permanent pattom holding. The Government are thus not in a position to enforce the performance of the obligation to supply firewood. The price of fuel is now many times higher than it was in olden times. Lately Government has been compelled to sanction the cost of fuel for many temples. I think that all temples generally should be allowed a rate of half a fanam per bundle of firewood which may be taken as the standard quantity for 2 paras of rice that has to be cooked. I have proposed this rate as it was recently adopted in the case of Vadiveeswaram Devaswom.

45. There are certain gratuitous distributions of paddy called Ona alavu and Kudivellom. In the temple of Aranmula, for instance, several hundreds of paras of paddy are distributed in doles, on the Thiru Onam day. Last year, the whole of the paddy was purchased at a very high price, as the Government had no paddy in store, and no contractor had been engaged in time. Kudivellom is an item which occurs in Agastiswaram. Every Brahmin householder in Suchindram gets a quantity of paddy every day during the Utsavam from the paddy stores. This is supposed to be a compensation paid to him in return for transferring to the donor the merit of serving drinking water to any thirsty man that may ask for it during the Utsavam days. The practice at Snchindram at one time was to distribute these rice doles among distant villagers also such as those of Mahadanapuram. All such doles may be curtailed to the limit of the quantity of the paddy available for the commutation value of the full quantity of paddy corresponding to the rice fixed by padivu.

46. There are some temples which receive a few articles of the padivu supplies for Nityanidanom from private individuals or persons connected with the temple establishment. The rice and jaggery for Nivedyom in the Thirunakkara temple are supplied in this way. The milk required for palpaysom in Vaikom is supplied by the Moothathoos of the establishment. These Moothathoos supply the kitchen vessels for the temple. They claim to be entitled to all heads of cattle offered to the pagoda as compensation for their duty to supply milk. Sometime ago their claim to the bulls brought to the temple as offerings was denied by the taluk authorities and they declined to supply milk. They desired to be relieved of their liability to supply milk and agreed to forego their claims for the cattle presented to the pagoda. I think their grievance may be redressed by taking

them at their word and appropriating all heads of cattle offered to the temple for the use of the pagoda itself. The Thiruhakkāra Moothathoos on whom lies the duty of supplying rice and jaggarī, complained of their inability to bear the liability any longer. They say the annual cost of these supplies is 775 paras 6½ edangazhies of paddy and 273½ fs. whereas, the Thiruppuvarom realized by them amounts to 387 paras. They have also alleged that more is due as Thiruppuvaram and that they are not aware of the particulars relating thereto as the properties are situated in Changanachery taluk. I wrote to the Peishkar on the subject and requested him to favour me with his views regarding the complaint of the Moothathoos who desire to be relieved of the burden. I have not received any reply on the subject from the Peishkar. Probably the subject is under enquiry. I think that if the Moothathoos should consent to relinquish their claims to collect the Thiruppuvaram, the Sirkar should accept the proposal and credit Thiruppuvaram to Devaswom. The Moothathoo of the Haripad temple is required to supply daily 8 edangazhy of paddy for Malar Nivedyom in the pagoda. His family enjoys 3 paras 7 edangazhies of paddy land and a garden known as Poothigil Purayidom.

47. In a few temples it was the practice for private individuals to bear the festival charges on certain days of the Utsavam. If the Ex-Ooranmakārs and others who are entitled to perquisites from pagodas, omit to carry out these festivals, the Devaswom authorities carry them out and recover the cost from the above said perquisites. If the defaulter had no perquisites, the Devaswom itself meets those charges.

48. I have appended a list of the pagodas mentioned in the last two paras with particulars of supplies. (Vide Exhibit P) In my view it is desirable that alienations of property made in

consideration of supplies to be furnished should not be interfered with. In Ettumanoor a certain tenant was found to supply 1½ edangazhies of ghee for Abhishekom, on every Chathurdasi, during the dark half of every month. The tenant held a cherikkal as remuneration. In the settlement, this property appears to have been registered as pandarapattom. I am of opinion that such treatment of Devaswom properties is highly prejudicial to the institutions concerned and should be discontinued. In this connection, I have to make a few observations regarding properties granted for occupation merely or as Karanma for services. I circulated a form in Thulam last for collecting information about these properties and requested the Dewan Peishkars to favour me with their views relating to the treatment of these properties. The time being probably limited the parties addressed were unable to comply with my request. These Karanma properties, I am informed, have been treated like Viruthi tenures and in a few cases have been converted into pattom to the prejudice of the Devaswoms concerned. I am not aware if the information is correct. If correct, I am of opinion that the course adopted is unauthorised, as the Settlement Proclamation does not expressly refer to the subject. It is highly desirable that the alleged policy of the Settlement Department with reference to these properties should be reversed at once. A list of Karanma properties with particulars of the holders and the nature of the services appended to the tenure should be leisurely prepared. I may also refer in this connection to instances of unauthorised alienations of properties granted by Devaswams for occupation or enjoyment. In a few Devaswoms I find there are gardens let to Santhikars or other officers for their residence. These people have in a few instances encumbered the properties. Their authority to do so is questionable. At Vaikom I heard that the Moothathoos had encumbered their Karanma properties to the extent of four or five thousand Rupees. At Mookathala

the pagoda Warriar sold his Karanma property in 1060, and I learn that it has been registered in the vendee's name by the Settlement Department in case No. 3,124 of Thirukkivil Vattam pagudi. In case No. 2,322 of the same pagudi, patta was ordered to be granted to the Kanamdar of Pangat Pottu for a garden said to belong to the Devaswom. Many Nandavanoms or flower-gardens have been planted with cocoanuts by the former tenants-at-will and probably the gardens have been registered in their names. I have received official information only of a very few number of such gardens but I am inclined to believe that the actual number of these gardens should have been more considerable than has been reported. I think it very necessary to prepare a correct list of Nandavanoms and place them under the charge of the authority controlling the Trivandrum Public Gardens. Mr. Rasu Iyer of the Public Gardens who appeared to me to be very keen about horticulture, expressed to me that with the application of trained technical knowledge the Nandavanoms may be converted into gardens corresponding to the experimental agricultural stations of America which are intended for the advancement of horticulture, agriculture and arboriculture. A traveller from the eastern coast who visits our pagodas cannot but fail to be struck with the poverty of the flower supplies. I know personally that the supply of flowers in a few pagodas is considerably less now than before. The proposed scheme will therefore meet a desideratum. Just as I was revising this paper before sending it to the press I received on the 15th Medom last the return called for regarding Karanma properties from the Quilon Division. I looked over this and found that in many cases the entries were imperfect as they do not contain information of the extent of properties demised for services. I have not yet received the returns from the other Divisions.

49. The scales for Nityanidanom for first class temples alone should be treated as fixing the quantity of provisions. At



present only the pagoda of Suchindram is treated in this way with reference to the padivu for the daily ceremonies. In all other temples, the expenditure in respect of daily and periodical services, except the Utsavam, is regulated generally by the padivu value, though in a few cases, it is supplemented by the stoppages in pay and other heads and also by enhanced grants, in a few instances made, subsequent to the date of Mr. Munro's padivu.

50 In the case of second class temples, I would propose that the scale of all the services including Nityanidanom be fixed in money subject to revision in every 7 years. In the case of third class Devaswoms, the same arrangement with a maximum period of currency for 14 years may be adopted. In the case of fourth class temples, the allowance may be taken to be permanent for 30 years. These proposals do not affect the scale of rice for pooja which should be maintained without any modification.

51. The Nirak prices returned by the taluk authorities are, as already observed, entirely unreliable. The prices fixed in my scales are based on the data of these Niraks as modified by information gathered from personal enquiries made by me. I have appended a list of the prices charged by me (Exhibit Z.) It is desirable to test the correctness of the valuations by the experience of a year or two before making them final. The padivu of 987 appears to have been adopted finally in 994 after a fairly long trial.

52. The padivus for the incorporated Devaswoms alone require to be revised on these lines. The prevailing padivus for the unincorporated Devaswoms may be followed without any change. The services in these pagodas are carried on with the padivu allotment in money and kind. It is not desirable to suggest any enhancement of the contributions

made to these institutions as in many cases they have no properties of their own. The allotment for the private Devaswoms among the unincorporated pagodas may be fixed wholly in money by commuting the paddy allowance at 14 chs. a para.

53. In connection with these unincorporated Devaswoms, I am inclined to believe that allotments are drawn in respect of some which do not exist at the present day. A suspicion to this effect crossed my mind when I was conversing on the subject with a gentleman whom I met in my tour. I at once issued a circular letter to Tahsildars to report after personal inspection or upon some other thoroughly reliable information, whether the padivu allotment for any Devaswom in his district may not be struck out, owing to its non-existence. The reports I received were all disappointing with the exception of one from Mr. Sessa Aiyengar of Nedumangad and another from Mr. Aundi Pillai. The deputy Tahsildar, Kuzhithura, mentioned to me in conversation, in Kannilast, that there were to his personal knowledge instances in his Taluk of allotments being drawn in respect of Devaswoms which did not exist now. But the official report I received from Kuzhithura does not allude to such instances at all. I wrote on the subject a number of times to the Tahsildar, but I was not able to get any information from him. It is desirable that an actual inspection by responsible officers of all the unincorporated Devaswoms be made so that the allotments may be stopped in respect of those which do not require any under the present circumstances. I have already mentioned that according to Mr. Chempakaraman Pillay's report, the allotment for 30 pagodas has lapsed and that 6 more which have to be added to the list were not noticed by him. Mr. Sessa Aiyengar has reported that in 14 pagodas in Nedumangad the daily poojas are not performed, and he recommends that the padivu for 13 of them may be stopped. He has

however excluded one from their proposal on the ground that the people at the station protested against such a step. The name of the pagoda is Kunnukkal Sasthan Kovil. It would appear from the Tahsildar's report that these 14 pagodas are situate in the midst of a jungle, and that in respect of a few of them the padivu allotment has not been drawn for years past. Mr. Aundi Pillai has not made any proposals for closing any Devaswom. But he has mentioned a pagoda where the idol is missing. I am not aware that there is any merit in offering poojas in a temple bereft of the presiding image. The old practice appears to be to stop the allotments for such pagodas.

54. I shall now refer to some of the minor items mentioned in the Dewan's memo of the points for investigation and report. They are Nos. 2 to 13, 16, 17, and 18 in the memo. I shall deal with them *seriatim*.

55. The budget for all Devaswoms, Oottus &c. in the District should be prepared in the taluk office and submitted through the central office to the Huzur in time to be incorporated with the general budget. I have collected information about the number and particulars of temples and temple buildings which are in a state of disrepair. The cost of putting all these buildings which number more than 2,256 according to the returns furnished to me is estimated at Rs. 21,33,771 (*Vide Ex. A. B.*).

56. It is highly desirable to lay down a definite programme of action in respect of repairs to damaged temples. There are 404 temples whose Sreekovil calls for elaborate repairs. The estimated cost of such repairs is Rs. 4,33,882. In many others, the Nalambalam and kitchen and other appurtenant buildings are in a very sad state. The estimated cost of repairs to such buildings is Rs. 6,04,142. The compound walls in a few

cases present vestiges of what were once very substantial structures. The temples requiring repairs to the Sreekovil should be taken in hand at first and the others may come in subsequently. Every year a few temples should be taken in hand, and the work should be completed as early as practicable, as the delay in completing the repairs involves additional expenditure in the shape of purificatory rites, I may also suggest that superfluous buildings may be pulled down. There are such buildings in several places. At Mavelikara, the Tahsildar was of opinion that a few buildings on the eastern side might be taken down. In many instances, I found that timely attention to a slight leakage would have saved the heavy expenditure incurred subsequently for repairs. The estimate for Maramath works should include the estimate for purificatory rites also; and the budget allotment should include both these items of expenditure. I may appropriately refer here to the provision contained in the padivus of South Travancore temples for repairing buildings and vehicles, &c., before the Utsavom commences. The allotment I am given to understand, is not utilized wholly for the purpose for which it was intended. At Bhuthapandi, I was led to suspect that a part of this allotment was used to meet the charges for the daily and other services in the pagoda. I have appended a statement of the allotment and expenditure under this head for various temples (Ex. A. B.) The practice appears to be for the Tahsildars to call for and sanction estimates of the works to be done before they are undertaken. This is the right practice to follow; and if it is strictly followed, the allotment would not be misspent. At any rate, I am quite satisfied that the expenditure, shown under this head deserves proper scrutiny in future. I may mention one instance of admission by the temple authorities that the padiyu allotment for repairs &c. are utilised without sanction, for other purposes.

The padivu allows 165½ fs. for erecting sheds at Mandakat during the Utsavam. Though since 1079 the sheds have been erected by the Maramath Department and the cost has been separately charged in the budget for that Department, the padivu amount has also been spent for other purposes, but probably without sanction.

57. The kitchen utensils in almost all pagodas are full of holes or are considerably worn out. The Potties complained to me in many places that they had to provide their own vessels for cooking Nivedyoms. In many pagodas, I saw lots of unserviceable brass utensils &c. All these could be sold by public auction or may be melted and converted into vessels for the use of the pagodas. A list of broken and unserviceable vessels with the estimated value of the metal, and another list of those requiring repairs should be submitted annually with proposals for the supply of the necessary new vessels with their cost. The central office may be expected to scrutinize these reports and sanction new purchases or the manufacture of new vessels with the unserviceable metal in hand. , Proposals for repairs and purchases should be submitted to the central office in time to be included in the budget. I think that the central office may be authorised to sanction the conversion of metals into vessels at any time of the year when it is absolutely necessary to do so, if the same can be done without costly expenditure or when the expenditure can be met from the contingent allowance.

58. I think that a sum of Rs. 5,000 may be set apart every year for sundry repairs to temples and Oottupuras and also vessels as a sort of permanent contingent fund. There are 380 incorporated temples and perhaps a hundred and odd other buildings including Ottus and Thanner Pandals which may require sundry repairs from time to time. The absence of any available fund for attending to the repairs is said to be the cause of the

neglected condition of many buildings belonging to our religious and charitable institutions. The amount proposed by me works at a rate of a little over Rs 10 per year on an average for all these buildings.

59. Repairs or purchases requiring more funds than can be met from the contingent allotment should be included in the budget.

60. I think there can be no dispute about the soundness of the proposal to convert payments in kind into money whenever the payment is made in satisfaction of wages. I think that in such cases, paddy may be converted into money at the rate of 14 chs. a para. I however, prefer to maintain payment in kind to the women-servants, as the practice regarding this class of servants throughout the country is to pay them in kind. The Keezheedu paddy may be converted at the Vilatharom rate of  $2\frac{3}{4}$  fs. per para.

61. I have appended a list of places where Sirkar elephants may be stationed conveniently for use in pagodas (Ex. A. C.) I have also mentioned in the list some proposals for hiring these animals for use in other stations. The elephants undergo a sort of treatment annually. The same treatment may be continued, and the Veterinary Surgeon may be required to inspect the animals in his tours and to make his suggestion, if any, regarding them.

62. Generally, all are in favour of the abolition of the Adyara system. Every one with whom I happen to discuss the question is of opinion that there can be no two views on the subject. If the foundation for his general view be examined, it would be found that it is laid in the quicksand of misconception. It seems to be the general opinion that this practice amounts to an implied ordinance to the servant concerned to make up the

amount paid by him by all practicable means, whether right or wrong. It ought to be understood that this amount is not returnable when the office holder retires. It really represents the Government's share of the profits, the office-holder may be expected to make, in the shape of fees and donations paid by people for performing Vazhivadus. In one sense perhaps, this may be taken as amounting to a sale of office; but the right of the temple to a share of the money which find its way into the pockets of the Potti in the case of Vazhivadus offering cannot be disputed. The Potti is paid a monthly salary but it is generally very small. The services he has to perform at Vazhivadus are extra and he must be paid for the same. There is nothing wrong in principle for the proprietor of the temple to share the extra income with the office-holder. In the very nature of things, it is very difficult for us to estimate the actual amount of receipts under this head. A visitor to the pagoda slips a few rupees into the hands of the Potti and requests him to light a lamp or offer a camphor light to the Deity. The last practice does not exist in temples of North Travancore. The Santhikaren probably uses the camphor supplied by the Sirkar or has his own private store and does the service required of him and pockets the money. No body need know anything about this. It is also difficult to maintain proper establishments in all the out-of-the-way pagodas in order that these amounts may be properly brought to book. In the case of a view offerings for Nivedyoms the Sirkar is credited with a proportion of the rice and provisions supplied and the Potti and other servants are also given a share each. These transactions are brought to book in such temples; but there are numerous other offerings which are not brought to book. I find from the returns supplied to me that in many pagodas, the Sirkar receives no share directly of the Vazhivadus offerings. Many of these pagodas have fetched

large Adyaras. The small temple of Katinamkulam may be considered to be an unimportant one. But it is able to support two santhies who have paid the sums of 4,200 fs. and 4,237 fs. respectively as Adyara. I was told that the offerings received in this pagodas on Fridays and Mondays in the shape of money for Archanas &c. were such as to give these santhies an income of 20 to 30 Rs. a month. The santhi of the extremely minor pagoda of Chenthitta has paid 10,000 fs. for a six years term. It is commonly reported that he makes Rs. 40 a month. These lawful sources of gain which it is not practicable or convenient to check and bring correctly to book except with costly additions to the establishment, I believe, at the foundation of the Adyara system.

63. The records of the oldest temples in the country show that the practice is very ancient. In the old temple at Guruvayoor in Malabar, the amount payable by the Melsanthi is fixed. It is so in some of our temples also. In others the practice is to form the profits by auction to the highest bidder. This auction system is indeed very pernicious and demoralizing. Several Thiruvella Potties complained to me that owing to the want of capital, they were driven out of santhi work from several temples, by the moneyed Thulu Potties. It enables people without any religious merit to secure places which ought to go to the really pious and orthodox. And it is further a matter of complaint that the system makes it difficult to dismiss, or suspend, or otherwise punish the office-holder, when he misconducts himself.

64. If the santhi pilfers, he is not the only man of that sort in Devaswoms. He does not pilfer, because he has paid an Adyara. He does so, because he is not more honest than people of his status generally are, and there is no proper system of check.



At any rate, it is undeniable that the large prices paid by these people often operate to make their conscience slightly elastic. I think the remedy, under present circumstances, is not to do away with Adyara altogether. But a system of fixed Adyara may be tried. We have, however, no means of knowing exactly how much may be collected and under what heads. For this reason, it is not possible to estimate the proper amount which may be fixed as Adyara for each temple. No registers of the Santhikaren's receipts are kept. I would therefore propose that such Adyara may be fixed on the standard of the last auction sale proceeds with such modification as may suggest itself to the officer on the spot. There is a chance of the Adyara going down under such a system. The loss if any on this head may be anticipated as likely to be attended with results making for the purity of the establishment. I would not recommend the abolition of the system of Adyara altogether on the ground of its analogy to a system of selling offices which it is not. On the retirement of the office-holder during the currency of his term, a share of the Adyara proportionate to the length of the unavailed term should be refunded. It may be also advisable to shorten the term, say to 3 years. A period of 12 years appears to be very long.

65. If the system is totally abolished, the Santhikaren will require a higher scale of wages, which it may not be possible to give. Till a few years ago, the Registrars were allowed a commission in the earnings of their office. That system was not condemned on the ground of any analogy to the sales of office. Why should we on account of a fanciful analogy destroyed a system which is not altogether indefensible and is at the same time a source of revenue to the temple and its establishment. The average amount of Adyara realised from Santhikars annually appears to be 37,258 fs (Ex. U). The Adyara is paid for various terms of years. The figure given above is the total

of the annual average for different classes of Santhi Adyara grouped according to the number of years for which it is paid. The Adyara Santhikaren has an interest in promoting Vazhivadus and if he is pious and honest he succeeds in attracting large benefactions as offerings. I have known several cases in which the Santhikaren's personal interest is the source of considerable income to the temple in this direction. His interest may wane and disappear under other circumstances.

66. There are a few other temple servants who also pay an Adyara on their appointment. The amount paid is very small. There are 40 different classess of servants who pay such Adyara. Their particulars and the amount of Adyara paid by each can be seen from Ex. V. The amount paid as Adyara by these servants is fixed and lasts in the majority of cases for life and in a few others for various terms of years, say, 6 or 12. The total amount earned under this head within the last 30 years may be taken to be 96,021 fs. (Ex. V.) There are only about 20 servants paying Adyara for short term of years. The number of servants paying Adyara for life is 172. I think this Adyara may be abolished. It will be a sort of relief to a number of poorly paid servants.

67. I have appended a list of the shares to which the Sirkar is entitled in the offerings (Ex. X). The shares of the temple servants are mentioned in the lists obtained from the taluks. But the particulars given appear to be in some cases imperfect or inaccurate. It is not possible to fix the shares correctly with the imperfect records to hand.

68. At present there is no uniform system for collecting and preserving the Kanikkais and offerings received in pagodas. In almost all temples of note, the first day of the year brings a board of money offerings from Tíyas and such other classes.

As they are not according to the custom of the country allowed to enter the pagodas, they hand over their offerings to any one who promises to pass them over to the temple authorities. Perhaps they fulfil their promise or in a few cases they omit to do so. And it is also probable that the temple authority who in a few cases is a person drawing the handsome salary of 3 fs. a month may not consider it inconsistent with his sense of duty to utilize the receipts for his own private purposes.

69. I think that in all important pagodas, it would be advisable to keep strong locked boxes with a slit at the top outside the pagoda precincts to enable Tiyas, &c. to place their offerings themselves in those boxes. Those boxes should be opened publicly, every day, in the presence of respectable persons, and credited in the books, under the signature of the Devaswom authorities and one of the respectable villagers. A similar process may be adopted as regards offerings given by persons who may enter the pagodas.

70. It is also highly desirable that the offerings which are convertible into money should be sold by auction once a week. In the case of Vazhivadus, it is desirable to keep a printed book of duplicate receipts. A copy of such receipts should be furnished to the man who offers the Vazhivadu.

71. The jewels, vessels and vahanams &c. have to be classified into those used daily or on special occasions. This may be done under the supervision of the local officials. Those wanted for daily use may be left in the custody of persons who have to deal with them and all the others in charge of any officer who may be required to give security in proportion to the value of the articles committed to his care. In many of our temples, the persons in charge of them hold their office hereditarily. Their emoluments are not very high.

They may not be prepared to give security. A few treasure rooms in which these valuables are secured are built of granite and provided with iron bar doors as at Haripad and the Cape. In many other temples, valuables are left in the old cellars or strong rooms. But except at the Cape temple there is no proper arrangement for watching the treasure. In the Ettumanoor temple there is looked up as already stated a sum of Rs. 80,000. There are besides very valuable articles of gold and precious stones in this pagoda and in several others. Their aggregate value is above 11 lakhs of Rupees (*vide* Ex. AE.)

72. In almost all our temples the Melsanthies have charge of very valuable jewels. It may be practically difficult to get security from these men. In such cases, the jewels in their possession should be verified every day by the manager of the Devaswom.

73. It is highly desirable that proper strong rooms are built and supplied with iron safes and strong boxes for preserving valuables which ought to be kept in these temples. The jewels and costly articles of precious metals which are never wanted for use may be removed to the Trivandrum treasury. Those absolutely necessary need alone be kept at the respective stations. Even in such cases if the Taluk treasury is close to the pagoda, the articles may be lodged in such treasury.

74. Among the articles and jewels which are never wanted for use there may be some which it may be desirable to preserve on account of their superior merit as works of art or on such other grounds. These being preserved the rest may be sold and the proceeds held in credit for the temple in question. The Ettumanoor temple has, as already noticed, in its treasury room a sum of Rs. 80,000. It is idle to lock up all this money. It may be lent on interest.

75. A few Thandries may be disposed to object to the removal of temple treasure from the temple precincts. I do not feel inclined to support their objection as there is no authority or reason on their behalf. The example of Cochin in dealing with the cash in the temple treasuries is before us. The Mathilakom helped this State with a huge loan several years ago, which enabled this State to tide over a serious financial crisis. Even now the funds of the pagoda of Sri Padmanabhaswami are laid out for interest on application. But all these transactions should be kept separate from the general revenues. All the Nada varavoods of the Sirkar temples should be credited to the temple concerned and separate registers of such moneys should be maintained. The general apprehension is that once the money gets mixed up with Sirkar funds proper there is no chance of tracing it afterwards and applying the same for the purposes of Devaswoms in question.

76. The question of settlement of the relations between the various servants of the Devaswom like Thandry, Melsanthi, Keezhsanthi &c. is not an easy one. Without practical experience it is not possible to settle this point satisfactorily. In many important pagodas the Melsanthi is more highly paid than the Anaval or other officer who is the recognised manager of the institution. The appointment of various officers is made by various authorities. In some pagodas appointments to the office of santhi are made by one who is in no way concerned with the administration of the temple affairs. The Thekedathu Bhattathiri appoints the Melsanthi of Ambalapuzha. In a few cases the office is hereditary and runs in families mostly residing outside Travancore. In some cases the appointment is made by the Thanthrees or the office-bearer is ordained by an assembly called Yogam by the process of Avarodham. I have appended a list of officers with the names of the authorities competent to appoint

them (Ex. H.) I may also mention that a few important temples maintain a record containing elaborate accounts of the duties of the various officers of the establishment and their powers of discipline. I came across such records in Vaikom and Suchindram. It is desirable to preserve a copy of these records in the Huzur.

77. It is a matter of universal complaint that these office-holders who derive their appointments from quarters not connected with the management of the institutions, are not amenable to discipline. I think that in the case of hereditary office-holders, the Tahsildars of the district should be invested with the power of fining the office-bearers except the Thanthry whose case according to practice is disposed of by reference to His Highness the Maha Raja. I have already stated that many of these hereditary office-holders serve only to maintain the traditionary constitution before the assumption of the same by the Sirkar. As I suggested in my report on purificatory rites, an enactment curtailing the rights of these hereditary servants to sue, directly or indirectly, for the establishment of their hereditary rights is necessary.

78. The manager of the Devaswoms must be recognised as the chief executive authority and obedience to his orders on the part of the other members of the establishment should be insisted upon. At present, the system works on mamool lines and it is utterly devoid of life or order. The Thanthry should be made to feel that he is only the ecclesiastical adviser of the Government and that though he may have to give upadesoms to the santhi or perform some rites in the pagoda daily or periodically, he is nothing more than an officer subordinate to the trustee, the Government. The lists received from the Taluk give particulars of the duty of each officer. I have forwarded those lists also with this paper. It is not necessary to print them. They are in a few cases imperfect, and I am not quite certain

that they were prepared by responsible persons under proper supervision in the Taluk Cutcherries. It is not desirable in my opinion to hold these lists as conclusive.

79. The safeguarding of the institutions against desecration and theft is the next point for consideration. As I have referred to the subject in my report on purificatory rites, I shall not allude to it here.

80. The next question relates to the management of private properties of the Devaswoms. Most of our Devaswoms have no private properties beyond the ground adjoining the temple premises. In several temples the premises are planted with cocoanuts. The planter very often happens to be a private individual who claims a right to the tree so long as it stands. Such a case came to my notice at Mavelikara. I examined the settlement and other records available on the subject and told the claimant that he had no manner of permanent right to the trees, though it is not clear whether he may not claim compensation for planting and nourishing the trees. It is desirable that all transactions with private individuals relating to Devaswom properties should be in writing.

81. The compounds around the precincts of the pagoda may be leased for a term of years with proposals for planting and compensation for the same at the time of eviction which may be at the end of 12 years. I find from what I saw, that it does no good to either party to grant the properties on terms of simple lease.

82. There are a few temples under Sirkar management with properties out of whose income the temples are maintained. The properties of these Devaswoms are not treated as the properties of Sirkar Devaswoms are generally treated. These

properties may be leased on Kanom like the properties of jenmies and private Devaswoms. It is necessary to appoint a separate agency for effecting renewals and collecting the rents.

83. The next point I have to deal with relates to the nature of the accounts to be kept and the arrangements for scrutinising them. The subject requires technical knowledge which I do not possess. I am unable to deal with it with confidence. I shall therefore satisfy myself with a few general observations.

84. The expenditure being more or less fixed in the case of Devaswoms and Oottus, it may be enough to adopt the system of drawing money from treasuries on abstract bills by the local Superintendent of the institution or the Tahsildar of the taluk concerned. The usual detailed bills with vouchers should be submitted at the end of each month, to the Head Office through the Divisional Office by the Drawing Office.

85. Funds necessary for purchase of rice and provisions where contractors are not available may also be drawn on abstract bills in advance by the local Superintendents or Tahsildars. The amounts so drawn should not exceed the estimated budget expenditure for a month, and should be accounted for in the monthly detailed bills to be forwarded to the Head Office through the Divisional Officer.

86. Contractor's bills may be paid by the treasury officers on the counter-signature of the Divisional Officer.

87. The pay of the establishment may be drawn and disbursed on establishment pay bills by the Tahsildar or the Superintendent after they are countersigned by the Divisional Officer.

88. A monthly statement of expenditure in each institution should be collected by the Divisional officer and forwarded



compensation being paid to the servants concerned in the shape of money. I do not agree in this view, I have filed a statement of the perquisites distributed among the members of the temples staff (Ex. A, D.)

97. The pounding charges now allowed in various temple appear to be exceedingly high. It is understood to be the practice in several pagodas that the rice required for Nivedyoms should be pounded by certain servants of the pagoda. The charge for converting the paddy into Onakkal for Nivedyom is in many Devaswoms fixed at a standard known as 5 and 2. This means that for 5 paras or edangazhies of paddy, 2 paras or edangazhies of rice alone are supplied, the rest going out as pounding charges. Thus for 10 edangazhies of paddy, you get only 4 edangazhies of rice, though generally good paddy yields 50 per cent of rice. In Sirkar accounts, rice is valued always at twice the quantity of paddy plus the conversion charges. In private houses, the wages for husking 1 para of paddy is only 1 edangazhy of paddy. So, while for 3 paras 2 edangazhies of paddy, it is possible to get 1 para of rice, the temples have to give 2 paras 5 edangazhies of paddy for 1 para of rice. According to the present system, the persons engaged in this work are not only paid the charges, but they are also allowed to appropriate the husk, bran, and the broken rice which in private transactions belong to the owner of the paddy. Even supposing you get only  $4\frac{1}{2}$  edangazhies of rice for 1 para of paddy on account of the inferior quantity of the paddy, the pounding charges now paid are still high. At this rate  $2\frac{2}{5}$  paras of paddy would be required for 1 para of rice. Taking the charge for husking to be 1 edangazhy of paddy per para, we would require  $2\frac{1}{5}$  paras of paddy for 1 para of rice whereas we now required full  $2\frac{1}{2}$  paras at the standard rate. But this is not the full measure of the difference between the prevailing rate and the hypothetical rate. The only taluk where

inferior paddy is supplied appears to be Ambalapuzha. The Kandukrishi tenants pay their dues in paddy and the same is supplied to Devaswoms. The quality of this paddy appears to be acknowledged as being defective, and in consequence thereof the padivu allows a vasi of an edangnzhy of paddy for 10 edangazhies. In other words, the Sirkar supplies 11 edangazhies of paddy and requires rice equal in quantity to what 10 edangazhies of good paddy would give. Thus for 1 para of rice you supply 27 edangazhies of paddy inclusive of conversion charges at  $2\frac{1}{2}$  per 10, whereas, according to the rate of 1 edangazhy of paddy per 10 edangazhies, yielding  $4\frac{1}{2}$  edangazhies of rice you would have to supply only  $2\frac{1}{2}$  paras of paddy. The difference is  $3\frac{1}{2}$  edangazhies per para of rice. Side by side with this high rate, there is a lighter one also prevailing in many places for Onakkal used for Namaskaroms &c. This lighter rate is known as  $1\frac{1}{2}$  per 10, *i. e.*,  $1\frac{1}{2}$  edangazhies of paddy for 10 edangazhies of paddy yielding 5 edangazhies of rice. The theory being that the rice required for Nivedyom should be husked by certain privileged classes only, we find that in a few temples a premium has been paid by persons for doing this business for the whole of the natural term of their lives. In many instances, the woman servants attached to the pagoda claim the monopoly of the work. But so far as I have been able to gather, no writing exists in such cases in proof of the claim. Without strict proof of such claim, it is not advisable to recognize it. If the work is farmed to persons belonging to the privileged classes there is no doubt that the charges will undergo a fair reduction. This is a matter requiring the most careful attention of the authorities, for there is huge expenditure under this head. I scrutinized the rice supplied to the pagodas at Suchindram and Thiruvattar at the lower and higher rates of conversion charges. I was not able to detect any difference in quantity between the two sets of rice. The higher

rate appears to have been fixed before the assumption of Devaswoms, but in cases of grants made by the Sirkar, since the assumption, I find that the charges have been generally calculated at the reduced rate of  $1\frac{1}{2}$  per para

98. The capacity of the para measure in which the Devaswom transactions are carried on, is a matter which requires some special notice. The para formerly in use in almost all pagodas, from ancient times, is the Chandra para which may be taken to be equal to the Agrasala para. But about the year 1065, the Agrasala measure of 640 cubic inches was displaced by the Settlement para of 800 cubic inches in several institutions. The result was an accession of receipt and expenditure. Probably this result was not noticed by the authorities when they ordered that the Settlement measure should be adopted for all paddy transactions. As a consequence of this measure, which has been in force in the Trivandrum and Padmanabhapuram Divisions and the Quilon Taluk for some years past, the Sirkar has been subject to much loss.

99. I compared the Agrasala para which I obtained from the Trivandrum Second Tahsildar with the Settlement para in a few pagodas and found that 100 paras of rice according to the Settlement measure showed an excess over a similar quantity of Agrasala para by not less than 4 paras  $8\frac{3}{4}$  edangazhies of Agrasala. In the case of some pagodas, the difference appeared to be as high as 9 paras  $3\frac{3}{4}$  edangazhies of Agrasala. It is very gratifying to point out transactions of the Agrasala are not carried on in terms of the Settlement para. The total quantity of paddy transactions carried on last year in terms of Settlement para in the place of the Agrasala para amounts to 453,560 paras. The average excess being taken at 6 paras 9 edangazhies on 100 paras, the total loss amounts to 31,495 paras (*vide* Ex A. P.)

100. I have to supplant my remarks on Sadyas and Kuthucooly. In regard to Sadyas, I have to add that it is advisable to fix the allotment wholly in money. This proposal would check the growth of expenditure. The expenditure on this head should on no account be allowed to exceed the allotment. For a few years it would be necessary to enforce effective supervision in the matter of Sadya expenditure, so that it may be reduced to utmost limits of all reasonable requirements of the occasion within the prescribed amount. It should also be laid down that the quantity of rice available for distribution to the lower orders should be confined to what is left after meeting the requirements of the higher orders.

101. I have also to add that the quantity of paddy and rice for Keezheedu may be fixed at as much as can be purchased for the commutation value of  $2\frac{3}{4}$  ls. per para of paddy on the paddy allotment. Kuthucooly for rice under this head may be calculated at  $1\frac{1}{2}$  per 10. But in calculating Kuthucooly for the rice to be supplied to members of the establishment as allowances I think it enough to allow 1 per 10 for Kuthucooly.

## CHAPTER VI

### PROPOSED SCALES AND THEIR FINANCIAL RESULTS

In the report on purificatory rites, I have divided the incorporated Devaswoms into 4 classes. In that classification, I have included one unincorporated Devaswam, namely, Sabarimala, in the first class. I have for the purpose of this paper followed the above said classification with the omission of Sabarimala. There are 13 first class temples, 33 second class temples, 212 third class temples and 117 fourth class temples excluding the 5 temples of Malayankolam &c., situate in British territory.

2. I have stated the general principles of revision in the last chapter. A set of scales for Nityanidanom koppu for all the Devaswoms has been drawn up (Exs. A H to A K.) In the case of first class temples, I have not modified the padivu quantity of provisions except at Tiruvalla where I have reduced the oil supply slightly. In the case of other Devaswoms, the padivu quantities for Nityanidanom have been somewhat modified so as to keep the expenditure as far as possible within the padivu amount.

3. The statements referred to above give only the particulars of koppus. The particulars of rice and paddy necessary for Nityanidanom in fourth class institution have been separately shown in Ex. AL<sub>4</sub>. As regards the other classes of Devaswoms, I have prepared only consolidated statements showing the total quantity of rice necessary for each class of Devaswoms for Nityanidanom (Ex. A L). The quantity necessary for each Devaswom can be calculated from the books (Exs.

A L to A A<sub>3</sub>) by making deductions under the heads of Namaskarom, Keezbeedu, and Kuthucooly. The padivu for all incorporated Devaswoms for Nityanidanom is equal to 5,19,560 paras 3 $\frac{3}{4}$  edangazhies of paddy and Rs. 79,860-18 chs.-8 cash. The average past expenditure in paddy for Nityanidanom is equal to the padivu; but the total expenditure in money which is equal to Rs. 98,630-16 chs. 2 cash is in excess of the standard. The proposed expenditure aggregates to 4,43,411 $\frac{1}{16}$  paras of paddy and Rs. 1,45,077-27 chs 3 cash. The proposed standard reduces the paddy expenditure by 76,149 paras 3 $\frac{1}{2}$  edangazhies of paddy, but the expenditure in money is in excess of the amount of current cost by Rs. 46,487-15 chs. 1 cash (Ex. A L).

4. The particulars of reduction in paddy expenditure and the heads under which such reduction is proposed are given below:-

	Paras. Edangazhies.	
By reduction in quantity of rice for Namaskaroms	.... 9,904	3 $\frac{1}{16}$
By reduction in quantity of paddy for Navakom Keezbeedu	.... 3,301	3 $\frac{5}{8}$
By wholesale conversion into money of prices fixed in kind (Exs. A <sub>1</sub> L to A L <sub>4</sub> )	.... 21,958	2 $\frac{7}{8}$
By wholesale conversion of allowances in kind due to temple servants into money as per particulars given in the books A L <sub>1</sub> to A L <sub>4</sub> at 3 $\frac{1}{2}$ fs. per para of paddy	.... 7,839	6 $\frac{3}{8}$
By reduction of Kuthucooly from 2 $\frac{1}{2}$ per 10 to 1 $\frac{1}{2}$ per 10	.... 33,146	1 $\frac{1}{2}$
Total	.... 76,149	3 $\frac{3}{4}$

5. The particulars for the proposed extra expenditure in money are shown below :—

(1) By wholesale conversion of the allowances to servants of the establishment in paddy amounting to 7,839 paras 6 $\frac{1}{2}$ edangazhies into money at the rate of 14 chs a para.	}	Rs.	chs.	cash
(2) By charging market prices on koppus		3,917	22	8
		42,659	20	9

6. I may notice here that out of the sum of Rs. 42,659-20 chs -9 cash, a sum of Rs 36,152-1 ch -3 cash is distributed wholly among the first class Devaswoms (*vide* Ex. A L). I shall give below the particulars for the excess expenditure in the first class pagodas

		Rs.	chs	cash
Milk	..	18,189	8	14
Cocoanuts	....	6,509	12	11
Ghee	....	6,587	27	..
Cocoanut oil	....	1,391	21	10
Other articles	...	3,483	15	..
Total	....	36,152	1	3

7. The excess expenditure proposed for the remaining classes of Devaswoms on the head of koppus for Nityanidanom amounts to Rs. 6,579-19 chs -6 cash. (Ex. A L).

8. It will appear that milk alone is responsible for 50 per cent. of the expenditure proposed for the first class temples. Cocoanuts and ghee have together contributed to  $\frac{1}{3}$  of the surplus

9. The large excess under the head of milk is contributed mainly by the requirements of the Nityasom Nivedyom at

Ambalapuzha. The total annual quantity of milk required for Nityanidanom in this pagoda is 12,948 paras 3 edangazhies. Out of this 109 paras 5 edangazhies are required for panchagavyom and palnivedyom. The balance which is the quantity consumed for palpayasom is 12,838 paras 8 edengazhies. This is less than the figure required at 36 paras per diem which is equal to 13,140 paras. The difference of 301 paras 2 edangazhies is due to the expenditure on palpayasom during Utsavam, being charged to that head wholly. The expenditure now incurred on palpayasom milk for Ambalapuzha is equal to Rs 8,388-15<sup>7</sup>/<sub>8</sub> chs. But the proposed expenditure is Rs. 18,341-4 chs. If however the present practice of cooking the payasom with 1½ paras of rice instead of 3 paras 6 edangazhies as per padivu be recognised and continued, only 15 paras of milk would be required per diem. The annual cost of milk at this rate would be Rs. 7,821-12 chs. The value for the quantity of milk for palpayasam according the padivu being Rs. 8,388-15 chs., the balance to the credit of Government is Rs. 567-3 chs. This balance is not shown in the accounts of the Devaswom. Those accounts do not disclose the actual quantity of rice cooked for payasom, but show that the whole quantity of 3 paras 6 edangazhies is so cooked. If there be a reduction in the quantity of milk there should be a proportionate reduction in the quantity of sugar which is charged in the padivu at the rate of 10 palams per para. The total quantity of sugar prescribed in the padivu per diem for the palpayasom is 360 palams. The whole of this is now returned as consumed. But I should think that 150 palams would be sufficient for 15 paras of milk.

10. I have appended a consolidated statement of the proposed padivu for Masaviseshom for all incorporated Devaswoms (Exhibit A M). The padivu amounts to 20,246 paras 7<sup>3</sup>/<sub>4</sub> edangazhies and Rs. 6,513-16 chs-11 cash. The present



expenditure in paddy is equal to the padivu and the expenditure in money is equal to Rs. 7,394-13 chs-13 cash. The proposed padivu for all such Devaswoms is equal to 11,358 paras  $1\frac{1}{8}$  edangazhy of paddy and Rs 10,440-1 ch-1 cash.

11. The reduction in paddy expenditure occurs under the following heads and in quantities noted against each head.—

	paras. Edangazhies.	
By reduction on Namaskaroms ...	409	$1\frac{1}{8}$
By reduction on Navakom Keezheedu ....	148	$4\frac{1}{8}$
By converting payments in kind for koppus into money ....	1,772	9
By converting allotments in rice for Sadya into money at 10 fs. a para ....	4,046	$3\frac{1}{2}$
By converting allowances in kinds to servants in the establish- ment into money ....	1,891	$5\frac{1}{2}$
By reduction in Yathra-ayappu ....	21	7
By reduction of pounding charges to $1\frac{1}{2}$ per 10 ....	596	$7\frac{7}{8}$
Total ....	8,888	$6\frac{1}{8}$

12. The surplus expenditure in money over the actual past rate of expenditure is equal to Rs. 3,045-15 chs. 12 cash. This surplus is the total of the money allotment proposed in substitution for the paddy allotment for Sadya and the money payment proposed for Yatra-ayappu, servants' allowance and the value of the Kettuthengu oil. The padivu quantity of paddy allowed for Sadya for Masavisesom is equal to 4,046 paras  $3\frac{1}{2}$  edangazhies. I have proposed 3,031 paras 3 edangazhies which is equal to 1,318 paras of rice, Kuthucooli being calculated at 1½

per 10. I have valued rice at 10 fs. a para. The padivu for Yathra-ayappu is 21 paras 7 edangazhies. I have converted into money at the commutation rate of  $2\frac{3}{4}$  fs. per para. The allowance to servants on the temple establishment according to the padivu amounts to 1,893 paras  $5\frac{1}{2}$  edangazhies. This has been converted into money at  $\frac{1}{2}$  Rupee per para. The balance of Rs. 105-27 chs. 8 cash is the surplus charge incurred by the conversion of Kettuthenku oil into money at the rate of Rs. 2 per para, which is the commutation rate, and the conversion into money of the prices fixed in kind in the padivu for certain provisions.

13. The padivu for Attavisheshom is equal to 50,056 paras  $5\frac{1}{2}$  edangazhies of paddy and Rs. 28,521-7 chs. 12 cash. The current expenditure is equal to the padivu in kind; but the expenditure in money amounts Rs. 31,907-24 chs. 3 cash. The proposed scale amounts to 19,142 paras  $4\frac{1}{2}$  edangazhies of paddy and Rs. 44,562-23 chs. 14 cash. The particulars of the saving in paddy amounting to 30,914 paras  $1\frac{3}{4}$  edangazhies and of the excess expenditure in money amounting to Rs. 12,654-27 chs. 11 cash, are shown below :—(Exhibit A N),

#### STATEMENT OF BALANCE IN PADDY.

		Paras.	Edangazhies.
By reduction on Namaskaroms	....	2	$1\frac{1}{2}$
By reduction on Navakom			
keezheedu	....	785	$9\frac{1}{4}$
By conversion of prices of			
koppus in money	....	4,982	$\frac{1}{2}$
By reduction on Sadyas	....	15,569	$2\frac{1}{2}$
By conversion into money off			
allowances to members			
of the establishment	....	6,822	$5\frac{1}{4}$

Paras. Edangazhies.

By reduction on Yathra-				
ayappu	....	....	649	6
By reduction on pound-				
ing charges	....	....	1,480	2½
By reduction on Ona Alavu	....	....	622	3½
Total....			30,914	18½

## STATEMENT OF SURPLUS EXPENDITURE IN MONEY

			Rs.	chs.	ca.
1. By conversion of paddy for Sadya equal to 75 per cent of the padivu quantity of 15,569 paras 2½ edangazhies or 11,781 paras equivalent to 5,105 paras of rice and 40 paras of paddy. at 10 fs. for a para of rice and 5 fs. for a para of paddy	....	....	7,322	18	„
2. By conversion of allowances to members of the establishment at 3½ fs. per para of paddy	....	....	3,411	7	12
3. By conversion into money at 2½ fs. per para of paddy fixed for Yathra-ayappu	....	....	255	5	9
4. By conversion of Ona paddy at 2½ fs.			244	14	„
Total....			11,263	17	5

14. The balance of Rs. 1,391—10 chs.—6 cash is the charge for koppus calculated at the commutation rate of 2½ fs. per para; It will appear from the statement of particulars for reduction in paddy that 4,982 paras ½ edangazhy is the quantity fixed in padivu for koppus. The whole of this has not been

converted into money under the proposed scale. The cost of koppus per proposed scale being less than the padivu scale, there is a balance of Rs. 565—23 chs.—10 cash, under the head of conversion of koppu value into money.

15. The padivu for Utsavams including allotments made from Oottupuras is equal to 1,33,794  $\frac{1}{8}$  paras of paddy and Rs. 54,855-15 chs.-1 cash. The expenditure in paddy is equal to the standard scale. The expenditure in money has amounted to Rs. 78,327-7 chs.-5 cash. The proposed scale would cost 25,334 paras  $9\frac{3}{8}$  edangazhies of paddy and Rs. 1,27,337-13 chs. 13 cash. The surplus paddy to the credit of Government under the proposed scale is 1,08,459 paras  $1\frac{1}{4}$  edangazhies of paddy. The excess expenditure in money is equal to Rs. 49,010-6 chs.-8 cash. The particulars of reduction in paddy expenditure and the addition under the head of money expenditure are set forth below :

	Paras. Edangazhies.	
1. By reduction on Navakom		
Keezheedu ....	1,443	$4\frac{3}{8}$
2. By conversion into money of prices fixed in paddy ....	18,747	$8\frac{1}{2}$
3. By conversion into money of the padivu allotment in paddy for Sadya ....	57,446	$9\frac{1}{2}$
4. By conversion of allowances to members of the establishment into money at $8\frac{1}{2}$ fs. per para ....	15,794	$7\frac{1}{2}$
5. By conversion of paddy for Yathra-ayappu ....	11,393	$1\frac{1}{2}$
6. By reduction of pounding charges ....	3,633	$7\frac{1}{8}$
Total	1,08,459	$1\frac{1}{4}$

## MONEY EXPENDITURE

	Rs.	chs.	ca.
1. By conversion of 75 per cent of the padivu quantity of 57,446 paras $9\frac{1}{8}$ edangazhies of paddy fixed for Sadya equivalent to 17,813 paras $9\frac{5}{8}$ edangazhies of rice into money at 10 fs. a para. ....	25,448	14	8
2. By conversion of allowances at $3\frac{1}{2}$ fs. per para ....	7,897	8	4
3. By conversion of padivu quantity of 11,393 paras $1\frac{1}{8}$ edangazhies of paddy for Yathra-ayappu ....	4,475	24	„
4. By conversion of 18,747 $\frac{11}{10}$ paras of paddy fixed in padivu for prices of koppu at $2\frac{1}{2}$ fs. per para ....	7,864	25	12
Total....	45,186	16	8

16. The difference to be accounted for is (Rs. 49,742—20 chs.—8 cash minus Rs. 45,186—16 chs.—8 cash) Rs. 3,823—18 chs. This excess is due to the proposal to fix a uniform rate of Rs.  $3\frac{1}{2}$  per para of rice for koppus for Sadyas in first class temples. These particulars will appear from Ex. AO. I may add that the rate of Rs.  $3\frac{1}{2}$  per para is in excess of the current rates for Cape Comorin, Neelakandaswamy Koil, Thiruvattar, Chengannur, Thiruvalla, Aranmula, Kavyoor and Ambalapuzha. The rates in these stations approximate to Rs.  $2\frac{1}{2}$ . At the  $3\frac{1}{2}$  Rs. rate the expenditure for Sadya koppus for all the first class temples amounts to Rs. 32,397-14 chs. If the rates for the above said temples be reduced to Rs.  $2\frac{1}{2}$  per para of rice which is the present rate, the proposed expenditure will be Rs. 3,595 less. I may observe that the Rs.  $3\frac{1}{2}$  rate is not very high in consideration of the menu for Utsava Sadya. The Rs.  $2\frac{1}{2}$  rate furnished by

the temples named above is due probably to the inaccuracies of the returns or the fact that in all temples condiments are not cooked to suit the whole quantity of rice boiled, since part of the rice cooked is distributed without the addition of condiments among the lower orders.

17. I have appended in Ex. AO a statement of the particulars of the total annual money allotments proposed for Utsavams for each first class temple separately under the heads of Sadyas and for poojas, oil for torch-light processions and fire works. I have not put up any such statements for the remaining temples. In the case of the first class temples I have modified the padivu quantity for oil for lighting and rice for Sadyas, in a manner suitable to the requirements of each temple, as disclosed by local enquiries. For instance, at Ambalapuzha, the quantity of rice now proposed for Sadya and Swayampakom is 1,500 paras, whereas the padivu quantity is 3,250 and odd paras. In the case of temples of other classes, I have prescribed uniformly 75 per cent of the padivu quantity, as it is not possible to estimate correctly the requirements of each temple individually, though it is pretty clear that the padivu quantity is generally in excess of the actual requirements. I have adopted the following rules in the case of those temples:—

- (1) The allotment of rice for Sadyas be reduced all round by 25 per cent.
- (2) The allowances in kind to members of the establishment be converted into money at the rate of 3½ fs. per para of paddy, the Kuthucooly for conversion into rice being calculated at 1 per 10 and the price of 1 para of rice being thus fixed at 7½ fs. The allowances include in some cases a few koppus also. But it is not necessary to charge

anything for koppus, as the allowance for rice has been fixed at liberal scale.

- (3) Paddy and rice required for Keezheedu to be supplied in quantities available for the total commutation value at  $2\frac{3}{4}$  fs. per para on the padivu allotment. Kuthucooly for rice being charged at  $1\frac{1}{2}$  per 10. The value of 1 para of rice at this rate is equivalent to  $6\frac{1}{2}\frac{3}{8}$  fs.
- (4) The padivu allowances in kind of Yathra-ayappu be converted into money at the commutation rate of  $2\frac{3}{4}$  fs, Kuthucooly being calculated 1 per 10. The value of 1 para of rice at this rate is  $6\frac{1}{10}$  fs.
- (5) The koppu value to be proposed to include the present actual expenditure in money and paddy, paddy being valued at  $2\frac{3}{4}$  fs. per para.

18. The quantity of rice being modified to suit the requirements of the present day, the expenditure on koppus may be expected naturally to undergo a proportionate modification. But a modification of koppu value on this principle appears to be inexpedient, as the result leads to a general standard of valuation which is highly inadequate. The cause of this anomaly is that in the case of most of these Devaswoms, the padivu value is alone allowed for koppu for Sadya. There are 134 Devaswoms with Utsavams among the institutions of classes 2 to 4. And among these only the 28 temples named in the margin are allowed an extra

1. Evoor.
2. Kandiyoor.
3. Mavelikara.
4. Chertala.
5. Thiruvarpu.
6. Thirunakkara.
7. Thrikkariyoor.
8. Charkara.
9. Thiruvarettukavu.
10. Sasthankotta.
11. Kumaramangalam.
12. Kallercode.
13. Elankavu.
14. Thirumoozhikulam.
15. Kamankulangara.
16. Buthapandy.
17. Thirupathisaram.

- |                              |  |
|------------------------------|--|
| 18. Nagercoil.               | allotment equivalent to actual market        |
| 19. Parakka.                 | prices or the amount of Chilavumichom        |
| 20. Vadaseri Krishnan Kovil. | available. The preposal now put forward      |
| 21. Thiruvithancode.         | gives a varying rate of koppu value for      |
| 22. Kumara Kovil.            | each Devaswom which is in each case          |
| 23. Ramaswami Kovil.         | less than the rate of Rs. 3½ per para adopt- |
| 24. Thripurappu              | ed in the case of first class institutions-  |
| 25. Keralapuram.             | I should observe that the proposed allot.    |
| 26. Thazhakudi.              | ment may probably in the case of a few       |
| 27. Darisanomkoppu.          |  |
| 28. Vadiveeswaram.           |  |

of the 28 marginally noted institutions be found to be slightly in excess of the actual requirements. Such differences cannot be avoided in a general scheme and can be corrected only by means of observation in practice.

19. I have to observe that the particulars of the temple servants whose allowances in kind it is proposed to convert into money, can be found out on reference to the returns received from the Taluks and the old padivu. The totals for each Devaswom, however, under this head have been compiled and entered in Exs. A L<sub>1</sub> to A L<sub>4</sub>.

20. In the case of Masavisehams and Attavisesboms, I have adopted the current scale of expenditure, as already explained in the last chapter. The observations made in para 18 about the allotment proposed for koppu value, apply to these ceremonies also.

21. All the incorporated Devaswoms have been divided into 71 groups. I have filed a list of the higher class of servants proposed of these Devaswoms (Ex. AQ.) I have noted in the list the particulars of hands to be reduced. I have not disturbed the existing number of hands among the lower grades. Their pay being generally small, it is not advisable to reduce them, since it does not appear to be possible to recruit the service by a



well paid staff without adding to the expenditure considerably. It will appear from Ex AQ that in the place of an agency consisting of 710 men, the proposal is to substitute one with 201 persons. The present cost on these 710 men amounts to Rs. 15,532-11 chs 12 cash with perquisites valued at Rs 2,262 6 chs -10 cash making a total of Rs 17,794-18 chs -6 cash. The proposed cost including the value of the prequisites which it is proposed to maintain without any change whatever amounts to Rs 16,460. These prequisites consist of rice, cakes and other things which are offered as Nivedyom in the pagoda. Nivedyoms being maintained, the prequisites should also be maintained in the same shape, as sales of the articles in question would lead to abuse and loss. The money allotment for the salaries of the agency proposed by me thus amounts to Rs 13,997-21 chs 6 cash. There are 493 Pandivadya musicians now costing Rs 12,286-8 chs plus Rs 2,629-15 cash in the shape of prequisites. This gives an average of only Rs 30½ per head per year. The average is very small. It is desirable to improve the prospects to some extent of the Nagaswarakars in first class temples at least. A monthly pay of Rs 10 would be fair. There is now only one Nagaswarakaran drawing Rs 10 a month and that is at Ambalapuzha. The measure may be borne in mind and carried out when funds permit. I have proposed that the musical instruments of Kidupidi and Dammanom may be dispensed with. This work gives occupation to 111 men and costs Rs. 2,190-26 chs 8 cash including prequisites. I have appended a list of the existing staff of Pandivadyakkars (Ex AR)

22 I have appended a statement of the existing staff and the proposed staff (Ex AS). At present there are 5,982 men. The strength of the proposed staff 5,473. The statement describes the work assigned to the higher officers of the staff.

23. I may notice here the item of allotment transferred from Oottupuras to Devaswoms consists of the charges for feeding a few temple servants amounting to  $8,060\frac{11}{160}$  paras of paddy and Rs. 1,618-15 chs.-12 cash. This amount is distributed among 137 men. They consist of 45 Santhikars and others. These 45 Santhikars are now given meals in Oottupuras and the cost of such feeding is debited to the head of Pakkom. This feeding costs  $745\frac{1}{20}$  paras of rice and koppus. I propose that these people may be paid at the rate of 10 fs. per para. The cost then, would be Rs. 1,077-24 chs. The remaining 92 persons are given only rice aggregating to 2,875 paras  $3\frac{3}{4}$  edangazhies. This I proposed to convert into money at the rate of 7 fs. per para. The proposed expenditure under these two heads amounts to Rs. 3,953-5 chs.-8 cash, (*Vide* Ex. AS.) The particulars of the persons charged hitherto to Oottu are contained in Ex. O<sub>6</sub> of Part I.

24. The present cost on the head of salaries including the contribution from Ottus amounts to 19,071 paras  $3\frac{1}{4}$  edangazhies of paddy and Rs. 92,716-12 chs. 6 cash. The perquisites to those people amount to Rs. 97 069-20 chs.-2chs. The purposed cost in money is Rs. 99,024-1 ch.-15 cash and the perquisites will be continued as before. The perquisites of the servants dispensed with which amount to Rs. 2,252-6 chs.-10 cash, will be distributed as such among the members of the staff whose pay is proposed to be enhanced.

25. The Devaswoms make pensionary contributions to a few persons aggregating to 221 paras  $1\frac{1}{2}$  edangazhies of paddy and Rs. 189-3 chs.-3 cash. The paddy under this head may be valued at 14 chs. a para. The cost pensions would then amount to Rs. 301-5 chs. 8 cash (Ex. AX).

26. In my report about Oottus I had referred to an item borne on the Thingal head for Theeyattu and Sastha Preethi (*Vide* Ex. AG Part I). The amount of expenditure under this head which is equal to the padivu is 90 paras  $8\frac{5}{6}$  edangazhies of paddy and Rs. 143-5 chs. The particulars for this expenditure are given in Ex. AY.

27. Thanchilavu costs 12,264 paras  $8\frac{1}{2}$  edangazhies of paddy and Rs. 7,232-24 chs. This head includes the charges for thatching, maramath and other items. The proposed cost under this head is 3,493 paras  $8\frac{5}{6}$  edangazhies of paddy and Rs. 5,937 15 chs.-15 cash. The balance is 8,770 paras  $9\frac{2}{3}$  edangazhies of paddy and Rs. 1,295-8 chs.-1 cash. I have proposed to strike out 1,844 and old paras and Rs. 3,771-26 chs.-6 cash charged for maramath purposes and Rs. 29-4 chs.-12 cash charged for petty contingent expenditure, as I have proposed a sum of Rs. 5,000 in all in an earlier chapter for petty contingencies. These particulars will appear from Ex. AT.

28. The padivu for unincorporated Devaswoms is 61,258 paras  $6\frac{3}{6}$  edangazhies and 1,20,554  $\frac{39}{64}$  fs. Out of this, it is proposed to convert the paddy allowance of 16,344  $\frac{291}{640}$  paras payable to private Devaswoms of this class into money at the rate of  $\frac{1}{2}$  Re. per para. The total proposed cost of all these institutions is 44,914 paras  $8\frac{7}{64}$  edangazhies of paddy. Valuing paddy at 5 fs. a para, the cost per year would be 4,02,331  $\frac{29}{64}$  fs. (Ex. AU).

29. The cost of Devaswoms in foreign territory amounts to 7,701 paras  $7\frac{9}{16}$  edangazhies of paddy and Rs. 8,162-10 chs.-15 cash according to particulars supplied to me. But the padivu is 7,701 paras  $7\frac{5}{16}$  edangazhies of paddy and Rs. 10,634-26 ch. 5 cash of which an amount of Rs. 21-16 chs.-6 cash is alone shown as not being spent. The whole of the balance is

Institutions	Present expenditure			Proposed scale			Difference between present expenditure and proposed scale						
	Paddy		Money	Paddy		Money	Paddy		Money				
	Para	£	Rs.	Para	£	Rs.	Para	£	Rs.				
1 Incorporated Deva swoms numbering 375 but now grouped as 344	7,54,858	1	3 16 398	17	4	5,02 740	2 1/2	4,32 679	5 13 2,52 117	7 3/4	1,16,280	16	9
2 Unincorporated Deva swoms numbering 1186 but now grouped as 1148	61,258	6 1/2	17,222	2	7	44 914	3 1/2	25,394	7 5 16,344	3 3/4	8,172	4	14
3 Deva swoms in foreign territory	7,101	7 1/2	8 162	10 15		7,101	7 1/2	10 613	9 15	—	—	2,450	27
4 Sri Padmanabha Swamy's pagoda	91,123	8 1/2	91,160	13	4	14,608	8 1/2	1,37,715	17 4	76 515	3	46,555	4
5 Thanyallu and Saastha preethi	90	5 1/2	143	5	—	90	5 1/2	143	5	—	—	—	—
Total .	9,14,432	8 1/2	4 33,086	20 14	5,69,455	7 1/2	6,06,545	17 5	3,44,977	18 1/2	1,73,458	24	7

being spent, but I have not received particulars of expenditure for Rs 2,000 and ode (*Vide* Ex A V)

30 The cost to Government on Mathilakom or Sri Padmanabhaswamy's pagoda amounts to 91,123 paras  $8\frac{9}{8}$  edangazhies of paddy and Rs 89 813 1 ch 4 c (Ex A G)

31 The difference in the cost of the proposed measure and the present rate of expenditure will appear from the marginal table. There is a reduction in paddy expenditure aggregating to 3 44,886 paras  $5\frac{39}{64}$  edangazhies of paddy. The expenditure in money is in excess of the present rate by Rs 173 218 24 chs 7 cash. If paddy be valued at the fair rate of 14 chs per para the saving in paddy will be almost equal to the additional expenditure in money. But if Government were to buy paddy at such high rates as 5 fs and  $5\frac{1}{8}$  fs per para, the saving would be considerable under the proposed measure. In another aspect the result leads to a saving as I shall presently show. The figures given above include the expenditure on the Sirlar Deva woms and Sri Padmanabhaswamy's pagoda. If the expenditure on the last institution be left out of account the saving in paddy would amount to 2 68 462 paras  $1\frac{11}{64}$  edangazhies and the increased expenditure in money would amount to Rs 1,26 563 20 chs 7 cash. Thus the proposed measure leads to a saving of more than Rs 8,000 if paddy is purchased for 14 chs per para. This figure is exclusive of the amount expected to be saved, by reducing the rate for Utsava Sadyas as proposed in para 16 of this chapter. That sum is Rs 3,595. I should also add that an item of expenditure amounting to Rs 2 450 27 chs has been shown on the wrong side of the calculation in the marginal table (*vide* last column 3rd line), as I have not been supplied with accounts supporting that expenditure. I have referred to this item in para 29 of this chapter. Including these two items, the lowest profit would be Rs 13,413 8 chs 14 cash.

## CHAPTER VII

### A GENERAL SUMMARY

The administration of Sirkar Devaswoms compares favourably with that of private Devaswoms as the landed assets of the former unlike those of the latter have not been frittered by fraud or litigation and as their income is in consequence steady.

2. The application of the recently adopted commutation rate of valuation for paddy due as rent or assessment on Devaswom lands has crippled the resources of our Devaswoms as anticipated.

3 The Sirkar holds the position of Melkoima trustee as regards the Devaswoms assumed by it, and the executive orders of the Government regarding the mode of assessing Devaswom lands cannot in equity and fairness be urged as a reason for reducing the expenditure on these institutions. The recent action of Government in leasing the Kavyoor Devaswom lands on principles similar to those obtaining in the case of Pandarapattom lands appears to be a shortsighted policy, however beneficent it may be to the tenants concerned. The Jenmi Proclamation of 1040 which inaugurated a generous policy was an act of statesmanship which has saved the lands from acute agrarian troubles. But that policy is different from conferring a title to permanent occupancy on Verumpattom tenants of Devaswom lands. The action of the Mysore Government in compensating the Sringeri Mutt for loss of its income by abolishing some heads of *sayer* revenue is a precedent illustrating the duty and attitude of Hindu Governments towards religious institutions. Our Government is bound to compensate

the Devaswoms for loss of their revenue by the adoption of a low commutation rate.

4. The receipts from Devaswom landed properties for the settled taluks have twinkled considerably owing to the peculiarities of the process of settlement. The landed properties of Devaswoms have in many cases gone into the general head of Pandarapattom. It is impossible to ascertain the extent of such properties. The particulars of land revenue ascertainable from Thirattus refer to the Devaswoms assumed in 987. Such revenue with its probable increment in the new settlement would amount to 18 lakhs of paras of paddy and Rs. 80,000. To this sum we may add an average annual Nadavaravu of 6,017 paras  $3\frac{11}{16}$  edangazhies of paddy and Rs. 29,104-16 chs. 9 dash (Ex. A W). The present revenue according to the Taluk and settlement returns now received is Rs 3,62,812 only.

5. There is very little supervision of the right sort in the case of many of our Devaswoms and in consequence, waste and misappropriation are common. A separate Department for their administration is an absolute necessity. The popular attitude towards these institutions, which is now marked by coldness and suspicion, deserves to be converted into one of sympathy and genuine interest, making for their well-being. (This can be done only by promoting popular Boards and giving them a position in the economy of these institutions.)

6. Devaswoms have suffered considerably owing to the gradual but steady advancement in market price together with the recent abolition of taxation in kind. Ghee which is one of the most important articles necessary for Nivedyom has completely disappeared from the temple dictary in many instances, and its place has been usurped in others, by a mixture of ghee and oil valued at 5 fs. per edangazhy, whereas, pure ghee sells

now at 14 fs. per Mudra ed angazhy The supply of cocoanut oil for lighting is dwindling and many of our temples are ill-lighted. The first class temples whose number is 13 should at least be maintained in a satisfactory state. I have therefore followed the padivu for Nityanidanom in first class temples and modified the same as regards the other classes The padivu scales for 'Nityinidanom are not generally extravagant. The periodical ceremonies may be left to get on with the amount now spent on them.

7. It is highly desirable to convert paddy allotments into money at a fair rate so that financial calculations may not be inconveniently disturbed. I have therefore converted payments fixed in paddy for allowance to servants and prices of provisions into money. Allowances to servants of the establishment have been converted at the value of 14 chs per para. The item of paddy allotments for koppus is proposed to be converted at the commutation rate of  $2\frac{1}{4}$  fs. per para.

8 The allotments for Sadya have been generally reduced to 75 per cent, as there is much waste and misappropriation in the way in which the feasts are now managed. The expenditure on tamash and processions may be reduced. I have done so by converting the paddy allotment for Yathra-ayappu into money at the rate of 11 chs. per para. I have fixed the quantity of oil necessary for processions in first class temples. I have not proposed any change in the oil supply for processions, in the temples of other classes, as in the large majority of cases such temples are supplied only with the oil available for the padivu value The allotment for Sadya should be fixed wholly in money by valuing rice at 10 fs. a para

9. It is desirable to reduce Kuthucooly to  $1\frac{1}{2}$  per 10, as it is likely to bring a large saving in paddy. I estimate the saving at 38,856 paras  $6\frac{1}{24}$  edangzhies.



allotment for temples of the second and third *classes* should be fixed after careful practical observation

18 The prices given in the *list of Nityanidanom koppus* are fair and reasonable It may be *desirable*, however, not to accept them as final before *giving the scales a trial* The Nīrak prices being generally *inaccurate* and unreliable, I have valued the koppus at rates which I ascertained from enquiry to be the prevailing market rates

19 The koppus fixed for Nityanidanom in first class Devaswoms should be always supplied in full The average market rates being settled after a fair trial, the total valuation according to such rates should be adopted, subject to revision every seven, fourteen or thirty years in the case of Devaswom of classes 2 to 4 respectively

20 It is very desirable to utilize the Nadavaravooms of each temple for the purposes of such temple itself, as in such a case there is every likelihood of the receipts going up Jewels and other valuables which are not of use ought to be either secured in the Huzur treasury or sold The cash belonging to Devaswoms ought to be laid out for interest for the benefit of the Devaswoms Very valuable jewels are now in the custody of persons who have given no security It is undesirable to continue their custody The jewels may be transferred to the Taluk treasury or the Huzur Treasury Security not exceeding a year's pay may be taken from the Vicharippukars proposed by me

21 I have valued rice at 10 fs and paddy at 5 fs a para as those are the highest rates of prices paid by Government in the past

22 I wish to bring to the notice of Government the case of the Selva Vinayaka Pillayar Kovil at Kuzhithura The Sirkar is alleged to have sold the properties of this pagoda for the

liabilities of the person in possession. The Tahsildar to whom I referred the matter for report has admitted that the fact is as stated above, and that the Sirkar may contribute  $\frac{1}{4}$  of an edangazhy of rice and  $\frac{1}{4}$  of a thudam of oil daily for the pooja in this pagoda. The matter may be disposed of after calling for a report on the subject from the Peishkar.

23. The proposed cost of services and establishment of all the incorporated and unincorporated Devaswoms amounts, to 5,54,846 paras 9 $\frac{3}{4}$  edangazhies of paddy and to Rs 4,68,830-1 cash. This is the annual cost of all Devaswoms except Sri Padmahabhaswamy's temple. Even if paddy be valued at 5 fs. a para the cost is only Rs 8,65,149-6 chs-6 cash. The revenue derived from the landed properties of the assumed Devaswoms being estimated at 18 lakhs of paras of paddy and Rs. 80,000 it cannot be said that the Government would be put to any loss by organizing a separate department as proposed by me for the management of our charitable institutions. I should enter it as my emphatic opinion, formed after deliberate consideration, that if a separate department for the management of our Devaswoms and charitable institutions be sanctioned, it will serve to disclose more avenues for economy than I have pointed out, and will bring a larger saving than I have estimated. It will also serve to make the practices uniform in all institutions.

24. I may repeat that I consider it a matter of utmost importance that the padivu scales for Nityanidanom in all first class temples should be adhered to without reduction. In the case of temples of other classes a slight modification of the padivu scales so as to suit the prevailing padivu may not be altogether unjustifiable. I have followed this view in laying down the scales for Nityanidanom in all classes of temples. I have tried to keep the scales of expenditure for Masavishesom &c. within the prevailing scale of expenditure subject to certain reductions.

(9) G. O. No. D. 1411, dated the 16th April 1911, enumerating the Devaswom and Oottu employ'es who alone will come under the head of Establishment ;

(10) G. O. No. D. 2018, dated the 23rd Edavom 1086, regarding the disposal of cattle received as *nadavaravu* in the Devaswoms.

(11) G. O. No. D. 2095, dated the 27th Edavom 1086, directing the enfranchisement of the properties assigned to the Moothathus of Thirunakkara for the supply of rice and jaggery to the Thirunakkara temple, Kottayam taluk ;

(12) G. O. No. D. 2879, dated the 12th Karkadagom 1086, regarding the utilisation of the monies received as *nadavaravu* in the Vaikom and Ettumanur temples ;

(13) G. O. No. D. 5067, dated the 4th October 1911, in re appointment, pay etc, of *Santhikars* in the Devaswoms ;

(14) G. O. No. D. 5596, dated the 16th Vrischigom 1087, directing that the *keezheedu* and *upayuktom* paddy allowances should be paid in kind only ;

(15) G. O. No. D. 1864, dated the 27th Meenom 1087, abolishing *adiyara* for certain menial services in the Devaswoms ;

(16) G. O. No. D. 4240, dated the 8th October 1911, regarding the use of elephants for processions in the Devaswoms ;

(17) G. O. No. L. R. & F. 3831, dated the 9th April 1912, directing the separation of Devaswom from Sirkar lands throughout the State ; and

D. 3239, dated the 11th Mithunom 1087,

et , suspend, dismiss etc,

cert

ORDER THEREON No. D. 4905 DATED, TRIVANDRUM,  
25TH OCTOBER 1912.

In their Order No. D. 1748, dated the 11th May 1909, His Highness' Government stated that Mr. Ramachandra Row's report consisted of three parts, *viz*, (1) State Charities, (2) Devaswoms, and (3) Purificatory Ceremonies, and that each of the parts would be dealt with separately. The Government have already passed final orders on the revision of the State Charities. The changes therein directed came into operation from 1085 M. E.

2. The management of the Sirkar Devaswoms has been an object of grave concern to the Government for now a considerable length of time. Since the receipt of Mr. Ramachandra Row's report on Devaswoms, the Government took up individually for consideration, and have passed orders on, several of the questions mentioned therein. It is now necessary not only to bring together in one place all the orders passed from time to time, but also to deal with the outstanding questions, to lay down a definite policy, and to give as far as possible detailed instructions for the guidance of all officers.

3. Mr. Ramachandra Row deals with the Sirkar Devaswoms in seven chapters. In the first three chapters, he explains how the Devaswoms came under the management of the Sirkar, what relation the Sirkar holds to the Devaswoms, what the endowments of the Devaswoms were at the time of the assumption of 987 M. E., how far that assumption has affected the financial position of the Devaswoms, and how the Devaswoms are being administered at present. In the next two chapters, Mr. Ramachandra Row makes his suggestions for the improvement of the administration of the Devaswoms and for the revision of their scale of expenditure. The financial results of his

expenditure on any other Department of the State His Highness' Government have given very anxious consideration to these difficult questions They would say, at the outset, that there is a fundamental difference between their position in regard to the Religious Institutions and that in regard to the Charitable ones The Charitable Institutions, mainly Oottupuras, are all unendowed the only exceptions being the Oottus at Parassala and Ariankavu, for each of which the Government have fixed a scale of expenditure substantially in excess of the income from its endowment But among the Devaswoms, the Major ones, at any rate, are all endowed institutions, and till the assumption of 987 M E, the Sirkar had no direct concern with them His Highness' Government do not feel called upon, at this distance of time, to make a pronouncement either on the justification or on the expediency of the policy which was adopted in 987 M E of merging the Devaswom Land Revenue into the Sirkar Land Revenue, a policy which was persisted in down to the administration of Mr V Rama Aiyengar and governed the Revenue Settlement introduced by that Dewan Probably, it was felt, at the time that, as the Sovereign of a Hindu State was entitled to, and indeed expected to, maintain in an efficient condition, the Hindu Religious Institutions of the State, it was objectless to keep separate the receipts and expenditure of the Devaswoms from the general accounts of the State The Government, however, feel that the time has now come when this policy requires to be revised They feel that, in the best interests of the State as well as of the Devaswoms, it is desirable that the public should know what exactly is the revenue from the Devaswom lands and how far the maintenance of the Devaswoms is met from their revenue In the case of a few Devaswoms taken up by the Sirkar in *recent* years, the precaution has been adopted of keeping their receipts and expenditure separate from the general revenue and the general expenditure of the State This

however hardly affects the main point in Mr. Ramachandra Row's contention, for the Devaswoms taken up in 1937 M. E., constitute over 98 per cent of the existing Sirkar Devaswoms, and it is with reference to this very large number that the view has been pressed by Mr. Ramachandra Row that the Sirkar is only a trustee and that it should at least now, recognise its position as a trustee. The treatment of the Devaswom lands on the same footing as the Sirkar lands, has, in recent years, given cause for grievance to the Hindu community and it has also led to some amount of misapprehension on the part of the non-Hindu communities in the State. In the last three Sessions of the Assembly, several of the Hindu Members vehemently urged the necessity for separating the two kinds of properties and keeping separate accounts for them, so as to safeguard, at any rate in the future, the interests of the Devaswoms; and it was complained that the action of the Government in treating the Devaswom lands as if they were Sirkar lands, was mainly responsible for the—according to the Hindu Members, erroneous—impression that the Government had been spending large sums annually from the general revenues towards the maintenance of the Hindu Religious Institutions; while, in reality, according to the Members, the Government were utilizing, for their own purposes, the funds derived from the properties of the Devaswoms. At the same time, there can be very little doubt that, in the absence of all mention in the Administration Reports, of any Devaswom Land Revenue, the impression is entertained by a large number of people, that the expenditure incurred by the Government on the Hindu Religious Institutions—aggregating to more than ten lacs of Rupees per annum—is wholly met out of the funds derived from the general tax-payer. Also, the inability of the Government, on the data before them, to say, even roughly, what the probable revenue of the Devaswom lands is, has handicapped them in dealing with the criticisms levelled on the administration

of the Devaswom Department in the Assembly and elsewhere. While, on the one hand, such a cautious officer as Mr. Ramachandra Row, after considering the information and the materials before him, has recorded the conclusion that, far from the general tax-payer having contributed anything to the support of the Sirkar Devaswoms, the surplus revenues of the latter must be considered to have been appropriated by the Sirkar for general purposes, to such an extent that, if the Sirkar were now to refund what it has so appropriated, the amount should be a crore of rupees, the Land Revenue Department has, on the other hand, after a preliminary enquiry, now put the Devaswom Land Revenue only at three lacs of rupees, *i. e.*, at about less than a fourth of Mr. Ramachandra Row's figure. It is obviously undesirable that state of doubt like this should exist in regard to such an important matter. It is undesirable that there should be an appearance of a liability being thrown upon the general tax-payer when there is none, or that the liability should appear to be much larger than it really is. The Government have, therefore after careful consideration; in their Order No. 8831, dated the 9th April 1912, directed all Peishcars to take steps at once to separate the Devaswom lands from the Sirkar lands, prepare an accurate list of the Devaswom land for each *pakuthi*, with the help of the settlement records and also of such pre-settlement records as may be available, etc. The separation will have effect from the 1st Chingom 1088/16th August 1912, the Land Revenue of the Devaswom being credited to the head of 'Devaswoms' from that date, and *pattas* for the Devaswom lands being issued separate from the *pattas* for the Sirkar land, also from that date. The Government would, however, mention that it is not now their intention to make any change, either in the tenure or in the assessment of the Devaswom lands. They recognise that the settlement of the Devaswoms lands already made, cannot be disturbed for the balance of the settlement period. But when

the next settlement is taken up, it will be the duty of the Government so to regulate it in regard to the Devaswom lands that the Devaswoms should get the full revenue due to them. The Government will bear in mind that their position in regard to the Devaswom lands is fundamentally different from their position in regard to the Sirkar lands. Also, the Government reserve to themselves the right to supplement the Devaswom revenue, from the general revenues of the State, to such an extent as may, at any time, be necessary to ensure the efficient maintenance of the Devaswoms. Independently of His Highness the Maha Raja's undoubted right, to maintain out of the revenues of his State, the Institutions of the Hindu Religion, there is the circumstance, in regard to the Devaswoms taken up in 987 M. E. by Colonel Munro, that the Sirkar then, by a solemn act, undertook the obligation to maintain them in an efficient condition for all time to come. This obligation will always be borne in mind by the Government.

## II. Management of the Devaswoms.

6. The next point for consideration is the management of the Devaswoms. Every Major Devaswom is now looked after by a Manager, who is called differently *Srikariakaran*, *Anaval*, *Samudayom*, *Melmanushyom*, *Koimma*, etc., according to the usage of each Devaswom, assisted by Accountants and other subordinates. Every Minor Devaswom is managed by the Proverthikaran of the *pakuti* in which it is situated. The Manager and the Proverthikaran are under the control of the Tahsildar, who again is subordinate to the Division Peishar. There are also four *Aminadars* (one for each of the Revenue Divisions, Devikulam excepted, of the State) whose duty it is to go round and inspect all the Religious and Charitable Institutions in the Division and submit reports of any defects found by them to the Peishcars. Mr. Ramachandra Row characterises



the management of the Devaswoms generally as very unsatisfactory. In Mr Ramachandra Row's opinion, the Tahsildar is now so much burdened with his revenue, magisterial, treasury and other miscellaneous work, that he actually finds little time to bestow on the Devaswoms. Though the Tahsildar is expected to visit all the Devaswoms in his jurisdiction once a month, this is seldom done. The Tahsildar's visits are generally confined to the *utsavams* or annual festivals. Not only does Mr. Ramachandra Row find fault with the present system on the ground that the Tahsildars do not devote sufficient time to their Devaswom work, but he finds fault with the Peishcars generally for their very inadequate supervision over the Devaswom administration. In Mr. Ramachandra Row's words, neither the Tahsildars nor the Peishcars now recognise their Devaswom work as a substantial item of their daily task. Mr. Ramachandra Row concludes that it is absolutely necessary to remove the management of the Religious and Charitable Institutions from the Tahsildars, to establish a supervising agency for them, unconnected with the Peishcars, and, if possible, to introduce a popular element into the administration of the Devaswoms by the formation of Village and Taluk Boards to help the Sirkar officers in the managements of the institutions. Mr. Ramachandra Row is for organising a wholly separate Department consisting of a Commissioner, of the status of a Dewan Peishcar, with three Assistant Commissioners and fourteen Superintendents, with the necessary ministerial and menial establishments, costing altogether Rs. 47,000 per annum. If, however, the organisation of a separate Devaswom Department is considered inexpedient, Mr. Ramachandra Row would improve the existing machineray by giving the Tahsildars special help, in the case of the important Devaswoms, by the appointment of well-paid Managers, and by lightening the other work of the Tahsildars. So far as the Peishcars are concerned, Mr. Ramachandra Row

recommends that the Government should insist on these officers bestowing a much closer attention to the affairs of the Religious and Charitable Institutions in their charge, than they have been hitherto doing, and he specifically suggests surprise visits by the Peishcars as likely to be productive of much good.

7. In the Conference, the Peishcars were agreed that the Tahsildar should continue in charge of the Devaswoms and the Oottus, but they thought it necessary to give him some relief in the administration of the larger Devaswoms by appointing a special Manager for each of them, to whom the Tahsildar could look for help, and in the case of the minor ones, by the appointment of an Aminadar for a group of such Devaswoms. Opinion was divided as to the necessity for the appointment of a Commissioner to control the administration of all the Religious and Charitable Institutions in the State. Some thought it advisable to relieve the Peishcars wholly of their Devaswom duties, by the appointment of such a full-timed officer, while others urged that one officer by himself could not exercise any control worth the name over *all* the Devaswoms and charities in the whole State. While His Highness' Government recognise that there is considerable force in the view advanced by Mr. Ramachandra Row that the management and control of the Religious and Charitable Institutions should be wholly taken away from the Peishcars and the Tahsildars, they feel that a large recurring liability of about half a lac of rupees per annum, such as would be required for the organisation of an independent Devaswom Department, should not be thrown on the State unless it is absolutely necessary. Also, it is unlikely that a single officer, even of the status of a Dewan Peishcar, will be able to supervise effectively the administration of all the Devaswoms and Charities, so numerous and so widely scattered all over the State. The intervention of the

Tahsildar is probably in any case inevitable ; if so, it is as well that the Tahsildar should be controlled in his Devaswom work by his own Division Peishcar. The Government feel that, before they give up finally the present system of management of the Devaswoms and Charities by the Tahsildars and Peishcars, as unworkable, they should make a strenuous endeavour to improve the system. It is by no means certain that the system itself is wholly responsible for the slack administration that characterised the management of the institutions till recently. The appointment of Stationary Magistrates in some of the taluks where the work of the Tahsildar is heavy, and the appointment of the Deputy Tahsildar as the ex-officio Head Accountant and as such mainly responsible for the treasury work in all taluks, should have reduced the Tahsildar's daily work. The Tahsildar should, therefore, have sufficient time, in most places, to attend to the work connected with the management of Devaswoms and Charities. Where relief is still needed, the Government are prepared to give it by more appointments of Stationary Magistrates. In regard to the suggestion of Mr. Ramachandra Row that, in the case of the larger Devaswoms, the appointment of a separate Manager or Aminadar for each of them, may, with advantage, be resorted to, the Government note that this experiment has been tried in the case of the Vaikom Devaswom, where it has by no means been an unqualified success. Even in the case of the larger Devaswoms, whose effective supervision would take several hours a day the policy should be not to add to the existing staff by the addition of a Manager or Aminadar, but so to improve the pay of the headman—*Srikariakaran, Anaval, &c.*, as to make him really helpful to the Tahsildar. It is not that the Government grudge to give relief to the Tahsildar, but they feel that the relief should be given by an improvement of the *existing* staff of *Srikariakars, Anavals, &c.*, not by creating new appointments, such as was done in

Vaikom. It should not be forgotten that, when 'the *pathivus* of the Devaswoms are revised and fixed, the task of administration will be considerably lightened, and if, in each of the larger Devaswoms, one or two of the existing men are put on a footing such as would make them really helpful to the Tahsildar, the task of the latter is bound to be comparatively easy. His Highness' Government must insist on the Dewan Peishcars seeing that due attention is paid by every Tahsildar to the management of the Sirkar Devaswoms and Charities in his taluk. Each Peishcar should frame, and submit for the sanction of the Government, detailed rules for the guidance of his Tahsildars and the Devaswom and Oottu subordinates, regarding their duties, responsibilities, hours of attendance, supply of provisions, the returns to be furnished, etc. The Account Officer should prepare and submit rules in regard to the accounts to be kept in the Devaswom and Oottus, the forms in which they should be kept, the nature of audit of these accounts, etc. Frequent visits to the institutions by the Tahsildars and the Peishcars, and especially surprise visits by the Peishcars, and scrutiny on the spot of the work of the subordinates, are bound to go a long way towards checking the irregularities so much complained of by Mr. Ramachandra Row

### III. *Pathivus for the Devaswoms.*

8. A question of the most vital importance for the Devaswoms is the fixing of their *pathivus*, *i. e.*, the scale of expenditure for the daily, occasional, and extraordinary ceremonies. Before proceeding to consider the principles which should be adopted in fixing the *pathivus*, it is necessary to have a clear conception of the nature of the institution and of the ceremonies for which the *pathivus* have to be fixed.

9. (1) *Classification of the Devaswoms.* The distinction has already been incidentally referred to—vide para 5 *supra*—

12 (iii) *General principles for fixing the pathivus*. The *pathivus* for the Devaswoms assumed in 927 M. E. were finally fixed by Colonel Munro in 994 M. E. The *pathivus* then fixed were both in kind and in cash. Not only were the quantities of grain and other provisions fixed then for the daily and the periodical services and for the festivals, but a *pathivu* value *in cash* for provisions was also settled. Mr. Ramachandra Row opines that it would be unreasonable to hold that the intention of those who framed the *pathivus* in 994 M. E. was to fix the money allotments for provisions permanently without reserving to the Devaswoms the right to claim additional allotments in consequence of the general increase in the market rates. He points out that this difficulty does not arise in the case of rice, as paddy has always been supplied in kind, formerly from the Sirkar Nelpuras, and, after the abolition of taxation in kind, through contractors. Mr. Ramachandra Row finds that the *pathivus* fixed in 994 M. E. were neither drawn up with any degree of accuracy nor under proper supervision. They are glaringly defective in some instances in which some of the most absolutely necessary articles of provisions are omitted. Mr. Ramachandra Row points out that, in spite of the considerable advance in the market prices, the fiction is even today maintained that the quantity of provisions is being supplied at the *pathivu* cost fixed in 994 M. E. This has given rise in practice to the growth of a system of account keeping which is extremely misleading. The fiction of supplying the *pathivu* quantities of provisions is maintained, and against the difference between the market price for the articles and the *pathivu* price fixed in 994 M. E., all unexpended balances, called *chilavumichom*, are set off. But, as often as not, these credits hardly cover the excess charges. An entry is then made in the accounts that the balance has been struck off for want of funds. That an absurd

system like that should breed fraud and misappropriation need hardly be a matter for surprise. Even the system of partial compensation for the higher prices of articles is not allowed to all the Devaswoms. The Minor Devaswoms have never enjoyed the privilege. The majority of the Devaswoms in the central and northern taluks of the State do not get any *chulavumichom*. Among the Major Devaswoms in South Travancore, in the Suchindrum temple alone has the actual value for the provisions supplied been always allowed. Some other Devaswoms are allowed compensation only to the extent of stoppages and the unexpended balances in the *pathivus*. In the opinion of His Highness' Government, there is considerable force in what Mr. Ramachandra Row says regarding the *pathivus* generally. There can be no doubt that the *pathivus* fixed in 994 M. E. require considerable revision. The fundamental difference in the matter of expenditure, between the Major and the Minor Devaswoms, will be maintained. The *pathivus* of the Major Devaswoms will first be considered.

13 (iv) *Major Devaswoms.* (a) *Nityanadanom.* The *Nityanadanom* or daily ceremonies differ according to the importance, custom and usage of each Devaswom. The chief of these ceremonies are (1) the *abhishekom*, (2) the *nivedyom* (3) the *poosa*, (4) the *sribels* and (5) the *namaskarcem*.

14. Mr. Ramachandra Row says that the *nivedyoms* cannot be reduced in quantity. "The belief is that the virtue of a pagoda is proportionate to the quantity of the *nivedyom* offering." Mr. Ramachandra Row points out that there are two ways in which the existing *pathivu* could be revised, viz, either by reducing the quantities of the articles to what could be procured for the money, *pathivu*, fixed in 994 M. E., or by raising the money allotment to what is now required for purchasing the quantities fixed in 994 M. E. He proposes that the former

method of revision be adopted in the case of the unimportant Devaswoms and the latter in the case of the important ones. Mr. Ramachandra Row would classify the Major Devaswoms into four classes according to their importance, the style of their expenditure, and the number of devotees they attract, and he proposes that the scale for the *nithyanidanom* in the first class Devaswoms alone be fixed in quantities of provisions, the scale for all services in the second, third and fourth classes being fixed in money, subject to revision every seven, fourteen, or thirty years respectively. Hence, according to him, the provisions required for a first class Devaswom should be bought in full at market value, while in a Devaswom of the second, third or fourth class, such quantity alone need be supplied as could be purchased for the amount arrived at by commuting the old *pathivu* allotment in paddy into money at the rate of 11 chs. per para. Mr. Ramachandra Row would, however, on no account, have the quantity of the *nivedyom* rice in any Devaswom reduced, nor the number of the *namaskaroms* originally fixed. In the case of the *namaskaroms*, Mr. Ramachandra Row thinks that the original *pathivu* of three *nashies* of rice per person may be reduced to two *nashies*, the cost of provisions being calculated at eight cash per head per meal.

15. The Peishcars agree generally with the suggestions of Mr. Ramachandra Row; the majority would fix the *pathivus* for the *nithyansthanom* in all Devaswoms in cash, on the basis of the present market rates, subject to revision at fixed intervals.

16. His Highness' Government have carefully considered the above suggestions and they resolve that the *pathivus* for both rice and other provisions for the *nithyanidanom* in all the Major Devaswoms should be fixed in kind. The rice for the *nivedyom* should be invariably fixed at the same quantity as was fixed in 994 M. E. In regard to the subsidiary articles, such as sugar, ghee, jaggery,

etc., the present day need should be ascertained by careful enquiry and the scale fixed for each Devaswom. In Appendix AA attached to his report, Mr. Ramachandra Row gives, after a very careful examination, the quantities of the subsidiary articles required for each particular purpose. The information given there should be freely utilised by the Peishcars in framing the revised *pathivus*. For all supplies made to the Devaswoms, the Government consider that the contract or *nirak* price should in future be given. *It should not be forgotten that the sanctity of a Devaswom mainly rests on the due performance of the daily ceremonies. Where namaskarams exist, they should be maintained intact. The number should not be reduced, but the pathivu may be fixed, as proposed by Mr. Ramachandra Row, at the rate of two nazhies of rice and eight cash for other provisions, per head per meal. If, for want of persons to partake of the meals, or on account of sadya or other cause, there is saving in the namaskarant cooked rice, the surplus should be sold and credited in the accounts.*

17. All *pathivus* in kind for the Devaswoms should, in future, be fixed according to the standard weights and measures. Mr. Ramachandra Row says that the rice for the *nithyanidanom* was formerly fixed in terms of the *chandra para*, then in use, of 640 cubic inches. So also, in regard to other provisions, the quantity was fixed as per *chandra-nazhi, tutom*, etc. In the revised *pathivus*, the quantities should be converted into terms of the present standard weights and measures.

18. At present, only the paddy required for converting into rice is obtained on contract. The other provisions are, for some Devaswoms, obtained on contract, but in the majority of them, they are supplied by the Devaswom subordinates, by local purchase for the value fixed in 994 M. E. The Government think that, in future, the supply of all articles, including paddy, should invariably be given out on contract and the supplies



paid for according to contract rates. Departmental purchases at *nirak* rates should not be resorted to, except when no contractors are forthcoming. As the Government are now allowing the payment of the *full* value for *all* supplies, instead of the old obsolete *pathivu* value, it should not, in the opinion of the Government, be difficult to secure suitable contractors. Every Peishcar should see that the contracts for a year are given out sufficiently early during the previous year, so as to enable him to frame a correct estimate of the expenditure for the succeeding year.

19. The Government note that, in some Devaswoms, some of the articles for the *nityanidanam*, such as milk, *malar*, flowers, firewood, rice, jaggery, etc., are supplied by private individuals. Some of these individuals make the supply in consideration of holding landed properties, or getting *thiruppuvaram*, *Nadavaravu* cattle, or other income from the Devaswoms. Lately, the Moothathus of the Thirunakkara temple in the Kottayam taluk refused to supply rice and jaggery to the temple as usual, in return for the *viruthi* lands held by them, and the Government had to enfranchise those lands and to fix a *pathivu* for the supply—Vide No. 2095, dated the 27th Edavam 1086. Similarly the Moothathus of the Vaikom temple have complained about the difficulty of making the usual supply of milk for *payasom* to the temple; they have been ordered to make the supply as usual, pending the decision of the general question. Those and other instances go to show that the practice of private people making supplies for the *nityanidanom* is not likely to work satisfactorily in the future, and that the system is bound to give increasing trouble. The Government therefore resolve that all supplies by private individuals, for the *nityanidanom*, except when they are made quite voluntarily should absolutely cease, and that the lands or other emoluments assigned for the purpose should be enfranchised the revenue or

income set apart for the supply credited to the Devaswoms. All articles needed for the *nityanidanom* should hereafter be obtained from contractors or by local purchase. In regard to the supplies if any made voluntarily, private individuals may be allowed to continue the same; but should a private individual fail to do it, and if the supply relates to an article included in the *pathivu*, it should, of course, be supplied and paid for by the Sirkar.

20. Mr. Ramachandra Row points out that, in the *pathivus* of almost all the Devaswoms, no provision was made in 994 M. E. for firewood. In a few Devaswoms, and allowance was provided for cutting fuel; in a few others, the duty of supplying fuel was imposed on the hereditary servants of the Devaswom. The Government have had recently to sanction the cost of supplying fuel to some Devaswoms on the recommendation of the Peishcars. The want of provision for firewood is an omission which has to be supplied. The Government consider that separate provision should now be made for firewood in all the Devaswoms.

21. (b) *Masaviseshom and Attaviseshom*. These are, as already stated, special ceremonies conducted on specified days in a month or in a year. Mr. Ramachandra Row points out that these ceremonies are of secondary importance as compared with the *nityanidanom*, and he recommends that the *pathivus* for these may be fixed in cash by taking a standard money valuation for the articles now supplied. The majority of the Peishcars also agree to this proposal. The Government direct that the *pathivus* for the *masaviseshom* and the *attaviseshom* should all be fixed in cash, based on a careful calculation of the articles supplied during the last three years and on the actual money expenditure incurred for the purpose. It should, however, be borne in mind that, out of the cash *pathivus* so fixed, the special *poojas* should be done without any reduction, as these *poojas* are of the same importance as the *nithyanidanom*.

22. (c) *Utsavom*. The annual festivals in the Devaswoms run on for a consecutive number of days, varying from 8 to 28 days. There are, as already stated, one to four *utsavams* in a year in some Devaswoms. The ceremonies for the *utsavam* may be broadly divided into two parts, namely, the *akathaypaditharom* or the religious, and the *purathaypaditharom* or the secular part. The religious portion consists of special services done within the temple. The secular portion consists of the feasts, processions, sports, etc., for the entertainment of the devotees who gather on such occasions. Mr. Ramachandra Row finds that there is a great deal of waste and unnecessary expenditure for the *utsavoms*, that reduction is necessary in the expenditure on amusements, *sadya*, *pakarcha*, oil presents, etc. He attributes the extravagant expenditure to the practice of some local officers keeping on the processions for inordinate lengths of time, and also needlessly spending largely on feasts, hiring a large number of elephants, adding to the number of torchlights, getting down special musicians, acrobats, and other performers. Mr. Ramachandra Row recommends that the *pathivu* for the *Arangukars*, i. e., the musicians, acrobats, and other performers, should be fixed in cash, calculating the value of paddy at the commutation rate (for the *pathivu* rice) and by adding to it the *pathivu* in cash. The *pathivu* for the *sadya* is in almost all institutions a big one. Mr. Ramachandra Row alludes to the practice of the local officers appropriating from the funds for the *sadya* the sums required for the amusements. The *pakarcha* or supply of cooked food is said to be answerable for much abuse. The consumption of oil in some Devaswoms for the '*seva*' and for the processions by prolonging them far into the night, and sometimes till almost daybreak, rose so much that, recently, the Government had to curtail the quantity. The majority of the peishcars accept the suggestions of Mr. Ramachandra Row.

23. His Highness' Government have no doubt that there is 'much of avoidable expenditure, if not of culpable waste, in the *utsavoms*, owing mainly to the want of proper control. During the last three years, the Government have been tentatively trying to reduce expenditure by fixing a money allotment for each *utsavom*. That it has been found possible to keep the expenditure within the allotment, proves that the local officers, if they would only pay due attention, could considerably bring down the expenditure. The Government resolve that, in future the *pathivus* for the *utsavoms* should be fixed wholly in cash. In fixing the *pathivus*, no reduction should be made in the *akathey paditharom* or religious portion of the ceremony. The expenditure for the *akathey paditharom* should always be deemed a first charge on the money allotment which may be fixed for the entire *utsavom*. The secular ceremony or *purathey paditharom* stands on a different footing. It may be fixed with reference to the actual expenditure for the last three years. Reduction in the quantity of rice for the *sadya* may not be quite possible in such important temples as Suchindrum, Thiruvattar, Vaikom, Ambalapuzha, Haripad and Ettumanur. But even there, by close and efficient supervision, much of the waste could be minimised. Ordinarily, for the *sadya*, the average quantity of rice actually spent for the last three years may be taken as the basis and calculated at ten fanams per para. For other provisions, for the important Devaswoms noted *supra*, the rate may be calculated at Rs. 3 per para, and for the remaining temples at Rs. 2 per para of rice. The *pakarcha* should be confined to the *Thantries*, *Stanies*, and such persons as have a duty to perform in the Devaswoms in connection with the *utsavom*, if they are allowed the privilege now. All those who are now fed in the *sadya* may be fed in future also. No one in whose favour there is no Government

order in support should however be given *koppu, i. e.,* rice and provisions. A list of the *Palarchakars* and *Koppukars* should be prepared and submitted for the approval of the Government. The disbursement of the *swayampakom*, wherever it is given now, should be guided by the principles laid down for the Oottupuras. The expenditure on the *Arangukars* should not exceed the amount arrived at by calculating the *pathivu* in kind at eleven chackrams per para of paddy plus the *pathivu* allowance in cash. The consumption of oil, the number of elephants hired, etc., should be reduced to the absolute minimum. The average cost for oil may be calculated at Rs 6 per standard para. Mr. Ramachandra Row recommends the use of kerosine oil for the outside processions. This cannot be done.

24. In some Devaswoms, it is the practice for private individuals to bear the charges for the festival on certain days of the *utsavom*. These are known by the name of *ahassus*. Some of these persons satisfactorily perform their *ahassus*, while others omit to do so. The Sirkar now generally conducts the *ahassus* which private individuals omit to perform, and it realises the cost from the allowances, if any, due to the individuals from the Devaswom, so far as that could be done, the irrecoverable balance being debited to the Sirkar. The Government consider that, in future, the Sirkar should not ordinarily conduct an *ahassus* which a private person has been conducting but has since ceased to do; but if, however, in any case, the *ahassu* is considered an essential portion of the *utsavom* and the Sirkar has therefore to do it, it should be done as economically as possible. When there is an allowance given to a person who has to conduct an *ahassu*, the expenditure should not ordinarily exceed that allowance.

25. All services formerly done by the *Viruthikars* or *Grams-kars* for the *utsavoms* and other occasional ceremonies in the

Devaswoms, are now mostly done by contractors. The Government have already, in their Order No. 4280, dated the 4th November 1909, empowered the Peishkars to give these services on contract. The services will continue to be done on contract in future also.

26. (v) *Minor Devaswoms.* The Minor Devaswoms are now being maintained with the lump allotments in money and in kind fixed for them in 994 M.E. No separate *pathivu* exists in a Minor Devaswom for each ceremony. Mr. Ramachandra Row does not suggest any enhancement of the *pathivus* of the Minor Devaswoms, as they had no lands of their own at the time of the assumption. The Government agree with Mr. Ramachandra Rao that the existing lump *pathivus* may be continued to the Minor Devaswoms without change, that is to say, what is now given in kind and in cash may be continued in kind and in cash in future also.

27. There are some Private Devaswoms not under the managements of the Sirkar, but receiving grants-in-aid from the Government. These are now erroneously classed under the head of Minor Devaswoms. A list of Private Devaswoms erroneously classed under the Minor Devaswoms should be prepared and submitted to the Government by each Peishcar. The Government consider that Private Devaswoms should be separated from the purely Sirkar Minor Devaswoms and the allotments now given to the former included under the head of 'grants to private Devaswoms'. These grants should be fixed wholly in cash, calculating the existing paddy allowance at 14 chs. per para, as recommended by Mr. Ramachandra Row.

28. When dealing with the Minor Devaswoms, Mr. Ramachandra Row animadverts on the practice of Tahsildars drawing the *pathivu* allotments for Devaswoms which have long ceased to exist, or where the *Bimbam* is missing, or where the *pooja*

is not actually performed. He states that most of the Tahsildars failed to supply him with information on this matter. But from what information he had, Mr. Ramachandra Row found that in the Nedumangaud taluk alone, there were fourteen temples where no *poorja* was being performed. He therefore proposes that an actual inspection should be made of all the Minor Devaswoms by responsible officers in order to see for which of them alone allotments should be made in the revised *pathivus*. In the Eighth Session of the Assembly, Mr. Subramonian Moothathu, Member, Thiruvella taluk, alluded to the practice of drawing the *pathivu* allotments for the Devaswoms where no *poorja* was being actually performed. He has also since furnished a list of such Devaswoms in the Thiruvella taluk. The Government consider that the Peishcars should at once arrange for the inspection of all the Minor Devaswoms in the State and report the names of those where the allotments should be stopped owing to the non-existence of the temple, or of the *Bimbom*, or the discontinuance of the *poorja* for a long time, or the inaccessibility of the place, etc.

29. (vi) *Devaswoms kept out of the general accounts* Reference has already been made to the few Sirkar Devaswoms whose receipts and expenditure are now kept wholly separate from the general revenue and the general expenditure of the State. Most of these Devaswoms have personal deposit accounts with the treasury. His Highness' Government consider that this system should not be disturbed. The *pathivus* for these Devaswoms need not be altered unless in any case it be found necessary to revise the scale of expenditure so as to bring it within the revenue. The Account Officer is requested to report what rules are in force, or are proposed to be enacted; to secure an efficient audit of the receipts and expenditure of these Devaswoms.

30. (vii) *Extraordinary ceremonies.* The principles on which the *pathivus* for the ordinary ceremonies for the several

classes of Devaswoms should be fixed have been indicated *supra*. As regards the extraordinary ceremonies, the *pathivu* for each will generally depend upon the nature of the *nimitham* or the reason for the ceremony, and the importance, custom, usage and precedents of the Devaswom. The principles which should be observed in fixing the *pathivus* for these ceremonies will be indicated in detail when the Government deal with the third part of Mr. Ramachandra Row's report, namely, that on Purificatory Ceremonies. There are however two points which immediately concern the administration of the Devaswoms and which have to be dealt with here.

31. (1) *Recovery of the cost of Sudhis.* Pollution is sometimes caused to a Devaswom by an act or omission of a private individual or of a Sirkar servant. When a pollution is caused, the performance of a purificatory ceremony becomes imperative and, as the matter is generally urgent, the Sirkar is obliged to have the ceremony performed by advancing the amount required, the amount so spent being recovered later on from the defaulter. Though it may be possible, in the case of a Devaswom subordinate, to realise the amount from any sum due to him as pay etc., yet the pay may sometimes be too small to admit of that method being always adopted; also, the procedure is obviously inapplicable to private individuals. The Sirkar could, in the case of the latter, recover the amount only by a regular civil suit. This is not only a laborious process, but, by the time action is taken through the Court, the party at fault gains sufficient time to evade the liability. Further, in some instances, the amount involved may be too small to go through all the procedure required for claiming it in a Court of Law. In the result, the Sirkar has to forgo the amount and in this way, large amounts are now being annually written off the accounts by the Government. It is probably necessary, as suggested by the Peishcars, to introduce a summary procedure to recover charges like these from the defaulters under the Revenue



Recovery Regulation. The matter will be further considered in the Legislative Department.

32. (2) *Relation of the Tantries to the Devaswoms* Another matter which deserves mention here is the relation of the *Tantries* to the Devaswoms. The *Tantries* are the Chief Priests of the Devaswoms. The right to a *tantram* is ordinarily hereditary or *karanma* to a particular family. A family holds the *tantram* in two ways, either because it has been enjoying the privilege for a long time, or because it has received it by a Royal Neet. *Tantries* are limited in number, and many of them hold the *tantram* of several Devaswoms. A list of the existing *Tantries* and the Devaswoms over which they have the *tantram* at present, should be prepared and submitted to the Government by each Peishcar.

33. The *Tantries* do not officiate in the daily services except in a few important Devaswoms. They officiate for the *utsavoms* and other occasional ceremonies and for the extraordinary ceremonies. For each extraordinary ceremony, the *Tantri* forwards an estimate or *padstharom* prepared for the occasion. An examination of the *padstharoms* has brought to light startling variations in the nature of the services, the quantity of provisions, and the *dakshina* or remuneration due to the *Tantri*, for not only the same ceremony in different Devaswoms, but even for the same ceremony in the same Devaswom but on different occasions. In short, the *padstharoms* seem at present to follow no principle of any kind; they vary according to the Devaswom, the occasion, and the view of the particular *Tantri* who sends the *padstharom*. Some *Tantries* have, in the past, attempted to arrogate to themselves the exclusive right of fixing the *padstharom* finally, so much so, that they would even at times refuse to perform the services unless their estimates were sanctioned unchanged. The Government have, in some instances, in recent years, been

obliged to threaten *Tantries* with removal. His Highness' Government wish it to be distinctly understood that a *Tantri*, so long as he holds the *tantram* in a Sirkar Devaswom, is as much subordinate to the control of the Government, in so far as that work is concerned, as any other subordinate of the Devaswom, and he is bound by any rules appertaining to his position, which the Government may lay down. If a *Tantri* fails to realise this and if he acts in a manner obnoxious to the Government, he is liable to be removed in the same manner as any other subordinate. Every *paditharom* for an extraordinary ceremony received from a *Tantri* should, in future, be subjected to the most scrupulous examination in the Taluk and Division offices, with the help of precedents, and also of other *Tantries*, if necessary, before it is submitted to the Government. All variations should be noted, and the explanation of the *Tantri* who drafted the *paditharom* should be obtained on each variation before his charges are admitted. No communication should, in future, be made by a Devaswom subordinate to a *Tantri* direct. All matters requiring a reference to the *Tantri* should be reported to the Tahsildar of the taluk, who after satisfying himself of the need for such a reference, should take the necessary action.

34. In regard to the *anubhavam* or remuneration given to the *Tantri*, the Government note that, in some Devaswoms, he gets remuneration only for the occasional or extraordinary ceremonies, while in others, he is also given a monthly allowance. The remuneration is sometimes in kind and sometimes in cash. The allowances formerly disbursed in kind have, since the abolition of the taxation in kind, been mostly commuted into cash at the rate of 11 chs. per para of paddy. Complaints have been made by several *Tantries* in regard to this matter, and it is therefore necessary to lay down definitely how the allowances should be disbursed in future. All allowances which formerly

were given in kind, should, as a general rule, be converted into cash payments, paddy being calculated at 14 chs. per para and rice at 10 fanams per para. For provisions, a value in cash should be fixed, taking into account the articles allowed in each case. Exception should, however, be made in the case of allowances in kind given to the *Tantris* from the *nivedyom*, *keezheedu* and other articles given after use in the Devaswom and the *pakarcha* for the *utsavom* and other occasional and extraordinary ceremonies. These latter may be continued to be given in kind, if the *Tantri* is present at the spot. The Peishkars should submit, for the sanction of the Government, statements showing the existing allowances to the *Tantries* and the *pathivu* in cash to be fixed in lieu thereof.

#### IV. *Santhikars.*

35. The ordinary ceremonies in the Devaswoms are conducted by the *Santhikars* or *Poojaries*. His Highness' Government have already passed final orders regarding *Santhikars* in G. O. No. 5067, dated the fourth October 1911. The G. O. is appended to this order. It will be noted therefrom that the system of *adivara* and of auctioning the *santhi* service for a fixed term have been ordered to be abolished, and that rules have been laid down for the choice of *Santhikars* and also as to how they should be remunerated. Action should be taken in the matter accordingly.

#### V. *Devaswom subordinates, their duties and responsibilities.*

36. As already stated, the Tahsildar is the head of all the Sirkar Devaswoms in the taluk, and all Devaswom subordinates should be made to recognise him as such. Under the orders of the Tahsildar, the actual management of a Major Devaswom is looked after by an officer designated variously as Manager, *Anaval*, *Srikariakaran*, *Vicharippukaran*, *Koimma*, *Manushyom*, *Samudayom*, etc, according to local usage. The Devaswom

servants are all under the Manager's orders. The subordinates consist of *Sthanakānakkus*, *Akatheykanakkus*, *Muthalpidies*, *Chandrarans*, *Pillamars*, *Masappadies* etc. In important Devaswoms, there are several subordinates; but in the smaller ones, only one or two. There are also persons who perform various menial services in the Devaswoms, such as *Kazhakakars*, *Kanganis*, *Vadyakars*, *Achimars*, *Kavalkars*, *Sandal-preparers*, *Umbrella-bearers*, etc. Most of the Devaswom subordinates are remunerated in kind from the *nivedyom* cooked rice and the *namaskarom* food. Some of the subordinates had formerly meals in the adjacent Oottus and also allowances in paddy or rice from the same source. After the revision of the *pathious* for the Oottus, however, the latter kind of remuneration is generally given in cash and debited to the Devaswoms. A few of the Devaswom subordinates have small monthly pay in cash. Some of the services are *karanna*, i. e., hereditary to certain families. Some of the persons had formerly been granted landed property or *thiruppuvarom* for the performance of the services. For some services, the men are appointed by *Tantris* or *Sthanies*, such as the Tharananallur Nambooripad, the Vanjipuzha Chief, the Thekkadathu Bhattathiri, etc. Mr. Ramachandra Row points out that these latter, viz., the persons appointed by the *Tantries*, etc., are not generally obedient to the chief officers of the Devaswoms. He also says that, in many instances, the properties given for services in the Devaswoms have been alienated by the holders, and that, in the settlement, the *virtu* lands have been converted into *patton*. Mr. Ramachandra Row also refers to the system of levying the *adyara* or fee for holding a menial service in a Devaswom and he proposes the abolition of the system in view to the very poor pay the men get. Mr. Ramachandra Row considers it impracticable to raise the remuneration of the Devaswom subordinates wholesale, but he would readjust the number of hands. He thinks that the number

should be treated as belonging to 'establishment', by whatever other designations the men may be known according to local usage, provided that the appointments are not held on *karanma* or hereditary tenure, and provided also that the men are paid *in cash* by the Government. All other servants of the Devaswoms will be paid from the 'contingencies' and will therefore be non-pensionable.

39 The Government would again reiterate that the Tahsildar should have *complete* control over *all* classes of Deva-swom subordinates in his taluk. He should have the power to appoint, grant leave to, dismiss, or otherwise punish such subordinates, consistent with the general powers vested in him by the Government, provided that the appointments are not, according to local custom, made by the Palace, or by *Tantries* or *Stanes*, and provided also that no *karanma* holder shall be deprived of his service without the sanction of the Government. While the Government do not wish to interfere with the patronage which certain *Tantries* and *Sthanes* now enjoy, of nominating the men for certain services in the Devaswoms, they wish it to be clearly understood that the Tahsildar has as much control over such men as if the men had been appointed by the Sirkar direct; and hence, if a subordinate so appointed misbehaves, the Tahsildar should punish him in the same way as he would punish a subordinate appointed by the Sirkar direct. Where the punishment involves removal from the appointment, the nominating authority may be asked to make a fresh nomination.

40 It is, in the opinion of the Government, obviously impracticable to give a wholesale increase to the pay of Deva-swom subordinates. But some reduction may be made in the number of hands where it is excessive, the savings being utilised for improving the pay of those retained. It would also be necessary to improve the pay of the chief controlling man or men

43. The Government have already sanctioned the abolition of the *adyara* for most of the menial services in the Devaswoms—Vide Orders Nos. 4073 and 1864, dated the 4th Thulam 1085 and 27th Meenom 1087 respectively. The *adyara* will now be abolished also for those few services to which it still applies. In view to the relief given by the abolition of the *adyara*, adequate but (not excessive) security should be taken from such of the Devaswom servants as handle jewels, vessals and money, but, from no others.

44. There are some honorary appointments in certain Devaswoms, such as Suchindram, Thiruvettar, etc. which are enjoyed as *karanma* by certain families. The *Vattapalli*, *Sree-karanasthanom* and *Neyyarasthanom* are instances in point. These will continue unchanged as at present.

45. The Government agree with Mr. Ramachandra Row that it is desirable to define the relations between the different employees in the Devaswoms and to lay down clearly the duties and responsibilities of the men. In doing so, the *acharakanakku* and other rules now in force, if any, and the existing practice, may be taken as a guide, but they need not be slavishly followed. There should be no hesitation in revising the rules of management where such revision is needed in the interests of efficiency.

46. Every Peishcar should prepare and submit, for the sanction of the Government, a statement (separately), for each Devaswom, showing the present staff, including the superior, inferior and honorary servants, their present duties, responsibilities and emoluments, and the proposed staff, their duties responsibilities and emoluments. In making appointments, the persons who have a *karanma* right to the service should be given the first refused.

VI *Vazhivadus*

47. The offering to the Devaswoms made by private individuals are called *vazhivadus*. Those who perform the *vazhivadus* sometimes supply the articles required themselves in kind and sometimes pay for them in cash. The *vazhivadu* is now generally entrusted by the person offering it, to the *Santhikaran* or some other subordinate. Sometimes, the party himself receives the *nivedyam*, and at other times, he leaves it to the Devaswom authorities to distribute it among the Brahmins or utilise it in whatever way they may choose. No account is generally kept for the *vazhivadus*, nor is any receipt given to a party who pays for one. In some Devaswoms, the *Santhikars* and other servants have a right to a share of the *nivedyam*, in others, there is a share for the Sirkar also. These shares are known as *kooru*. Mr Ramachandra Row says that there is much scope, under existing conditions, for misappropriation of the *vazhivadus*. In important Devaswoms, such as Vaikom, large amounts are entrusted to the Devaswom subordinate for *Sadya*, etc. It is necessary that, in such cases, the conduct of the *vazhivadus* should be properly scrutinised.

48. His Highness' Government consider that a separate register for *vazhivadus* should be opened in every Major Devaswom. Every person who pays for a *vazhivadu* in cash, should pay the amount to the chief officer of the Devaswom, who should at once, enter the amount in the register and give a receipt for it. He should then see that the *vazhivadu* is properly conducted. Any *vazhivadu* brought in kind may, at the discretion of the person offering it, be given to the *Santhikaran* who should have the *vazhivadu* performed. The chief officer of every Major Devaswom should see that the *nivedyam* if properly distributed and that the *kooru*, if any, due to the servants or the Sirkar, is duly

apportioned then and there. No *koorn*, whether it is for the *Santhikars* or other subordinate or for the Sirkar, should be claimed before the *nivadyam*. This rule should apply equally to the ordinary as well as to the *vazhivadu nivadyams*. A statement of *koorn* now given should be submitted to the Government by each Peishcar.

### VII. *Nadavaravus*.

49. Presentations or *kanikkais* are made to the Devaswoms of coins, silver, gold, jewels, vessels, sikls, live stock, grains and various other articles. Some articles, such as fruit, sugar, sandal, etc., are received as *thulabharoms*. Again, in some places, a procession goes round to villages and houses for the collection—*parazedu*—of paddy and other grains. Mr. Ramachandra Row points out that there is no uniform system for collecting and preserving the *kanikkais* and other offerings in several Devaswoms. The offerings made by persons who are not privileged to enter the precincts of the Devaswoms are often given to other persons who could get in, and there is misappropriation. Mr. Ramachandra Row proposes to have strong collection boxes kept outside the Devaswoms for the people to deposit their *kanikkais*. He suggests that the offerings convertible into money should be auctioned once a week by a responsible officer and the sale proceeds credited at once. He thinks that the boxes should be opened publicly every day in the presence of respectable witnesses and the contents credited in the books.

50. His Highness' Government consider that *nadavaravus* need a great deal more of attention than they now receive. The idea suggested by Mr. Ramachandra Row of providing collection boxes is a good one and may be adopted in all the larger Devaswoms. The boxes should be opened once a week, the contents examined publicly and credited in the accounts



regularly. Where, *nadavaravus* are in current money, the credting is easy. Where, however, they consist of uncurrent coins, gold or silver, grains or non-perishable aticles, arrangements should be made for these being auctioned at regular intervals and the sale proceeds credited in the accounts. All perishable articles such as fruit etc., should be disposed of at once and the proceeds credited. As regards live stock, orders have already been passed by the Government in their No. 2013, dated the 23rd Edavom 1086, that the cattle received as offerings in all Devaswoms, except those noted marginally, should be auctioned. The cattle need not be given to the persons who supply milk, even where the latter had been the practice hitherto, because milk, like other provisions, will hereafter be obtained on contract. Jewels, vessels and other articles received as *nadavaravu*, which are of use in the Devaswom, need not be sanctioned, but they may be utilised after being entered in the register of articles belonging to the Devaswom. The Tahsildar should, periodically, and at least once in a quarter, check in detail the *nadavaravu* accounts of all the Major Devaswoms in his taluk and report the result to the Peishcar.

Suchindram  
Kanniakumari  
Thiruvattar  
Varkala  
Neezhur  
Ambalapuzha

#### VIII. *Thiruvabaranam, Bharanipatram and Pattuparuvattom.*

51. The jewels, vessels, *vahanams*, etc., in the Devaswoms, should, Mr. Ramachandra Row says, be divided into two classes, viz., those which are required for daily use, and those which are wanted only for special occasions. He proposes that the former should be entrusted to the persons who deal with them daily, the latter being put in charge of higher officers, security being taken according to the value of the articles. Mr. Ramachandra Row points out that, in some Devaswoms, the custodians of the jewels hold their office hereditarily. He suggests that, in those Devaswoms where the ornaments etc., should be kept within the

sacred precincts, strong rooms should be built for keeping them. He proposes that all useless jewels should be removed to the Trivandrum Major Treasury, the rest being preserved in the treasuries of the taluks. All unused jewels, except those which deserve preservation as works of art or as of superior value, may be sold and the proceeds credited to the Devaswoms.

52. In the Conference of the Peishkars, the points discussed were (1) the location of jewels, (2) the custody of jewels (3) the verification of jewels, and (4) the disposal of jewels. Most of the Peishcars agreed to the suggestion of Mr. Ramachandra Row that the jewels should be kept in the taluk treasury, in iron safes or strong rooms, that the jewels (except those for daily use which alone should be with the *Melsanthi*) should be in the custody of responsible Devaswom officers, who should furnish security, that they should be annually verified by the Peishkar with the assistance of the Tahsildar, and that useless jewels should either be sold or converted into useful ones

53. His Highness' Government consider it necessary that jewels, vessels, *vahanams*, etc., should be divided into those which are of *daily* use, those which are used on *special* occasions in the year, and those which are *never* used. The articles comprised in the first class have to be kept in the Devaswom; arrangements should be made for providing safes for the purpose and security should be taken from the custodians. The things which are used only *occasionally*, should generally be kept in the taluk treasury, under the joint locks of the Tahsildar and the responsible Devaswom officer. This may involve some additional work by way of taking the articles out for use and putting them in afterwards. But this cannot be helped. The third class of articles, *viz*, those which are *never* used, may be sold, or sent for safe custody to a Major Treasury in the State and be kept in such treasury under the joint locks of the Tahsildar of the taluk to which the Devaswom belongs

temples. He points out that the objection raised against the removal of the cash to the treasury has neither any authority nor reason to support it. His Highness' Government have already passed orders on the point in their No. 2879, dated the 12th Karkadakam 1086. It is not necessary to remove the money from the temples, but there is no objection to meet *all* the expenditure *for the temples* from it.

#### *IX. Repairs and reconstruction of Devaswom buildings.*

55. Mr. Ramachandra Row says that, in a very large number of Devaswoms, both Major and Minor, the buildings require a great deal of repair, and in numerous cases, thorough reconstruction is absolutely needed. He points out that, in as many as 404 Devaswoms, even the *Srikovil* calls for elaborate repairs, the estimated cost of this alone being Rs. 4,33,882. In many Devaswoms, the *nalampalom*, the *thidappalli* and other appurtenant buildings are in a very sad state of disrepair, and in some cases there are vestiges of what were once substantial buildings. Mr Ramachandra Row advises that the temples requiring repairs to the *Srikovil* be taken up first, and he suggests that every year a few temples be taken in hand *and the work completed*, as delay in the completion of a work involves additional expenditure in the shape of purificatory ceremonies. Mr. Ramachandra Row also suggests that all superfluous buildings be pulled down. He deplotes the want of annual maintenance for the Devaswoms and points out that, in many instances, timely attention to a slight leakage might have saved heavy expenditure for repairs. He also suggests that the estimate of a maramath work in connection with a Devaswom should also include the cost of the necessary purificatory ceremonies.

56. The subject of repairs and maintenance of Devaswom buildings was discussed at some length at the Conference of the Peishkars. The Peishkars admit that the Devaswom buildings

generally have been much neglected in the past. They are for providing separate allotments for outright repairs and for annual maintenance. They accept the suggestion of Mr Ramachandra Row to lay out a definite programme. The Peishkars generally think that the appointment of a separate agency for the repair of Devaswom buildings would effect the repairs more rapidly than otherwise.

57 His Highness' Government recognise with sorrow that the condition of Devaswom buildings generally all over the State is very far from satisfactory. They feel bound to add that the Peishkars and Tahsildars cannot be absolved from a substantial share of the responsibility for this state of affairs. These officers have, in the past, been showing a culpable volume of indifference in carrying through Devaswom maramath works. The object of maintaining the Maramath Department as a separate one has been mainly the conservation of religious and charitable buildings. The Maramath staff in the State is by no means a small one. Every Division has an Overseer, a Draftsman and a large number of Aminadars. There is also a Maramath Sub-Engineer, with an establishment, attached to the Huzur Office. For expert advice on temple construction etc., there is a *Thatchusasraparisodhakan*. The Government would not grudge sanctioning funds if they could have the assurance that the allotments will be fully and properly utilised. But the weak point of the Maramath administration has been that no large work *ever really gets finished*, and that new works are undertaken, sometimes most unnecessarily, and the funds needed for finishing the old works are diverted to the new ones. There are numerous Devaswom works still in the most incomplete stage, even though the works had been commenced long ago. Instances in point are the works in the Chengannur, Mukathala, Vettikkavala, Mampazhathura and Thiruvella temples in the Quilon Division, Thalayi, Thidanad, Tirukkakkara, Parappadom and Elankavu.

temples in the Kottayam Division, and Kazhakuttam, Thonnal and Pirappancode temples, in the Trivandrum Division. Had the Peishcars taken up these and other similar works in time *and completed them*, a number of important temples would have come into good condition long ago. The Government would impress upon all Peishcars and Tahsildars that no real improvement in the condition of Devaswom buildings is likely to take place unless the out-turn of work in the Maramath Department improves considerably in quality as well as in quantity. Every Peishcar will now arrange for every Major Devaswom in his Division being thoroughly inspected at an early date and submit a full report thereon. The condition of the main and subsidiary buildings of each Devaswom should form the subject of a separate communication. When the reports for a Division have all been sent up to the Government, the Peishcar concerned should frame a programme of action and submit it for the approval of the Government. The Maramath Budget of each Division, so far as Devaswoms are concerned, will hereafter be split into two sections, one section being for carrying through the works included in the programme submitted by the Peishcar and passed by the Government, and the other being for the maintenance of all the Devaswom buildings in the Division. In regard to all large works, the policy should be not to have more than five or six at a time in a Division. Those once begun should be *completed* before new ones are taken on hand. The programme for each Division should be so framed that the thorough repair of all the Major Devaswoms in it should be completed, say, within the next ten years. When reconstructing or renovating temples, care should be taken that their architectural beauty is, as far as possible, preserved. There should be no hesitation in removing useless out-houses, and the construction or renovation of subsidiary buildings should be strictly confined to the satisfaction of

proved wants A compound wall should ordinarily be deemed a *sine qua non* of a temple so as to minimise the risk of pollution and consequential expenditure on purificatory ceremonies Wherever enclosure walls exist, the annual maintenance should provide for their being kept in repair, and wherever there are none, temporary or *kayala* walls may be provided until replaced by permanent walls The funds needed for the purificatory ceremonies consequent on the repairs or renovation of the Devaswom buildings are now not included in the estimates for such works, but they are charged separately under Devaswom expenditure In future, the estimate for a Devaswom maramath work should also include the amount required for the purificatory ceremonies for the same

### *X Manufacture and repair of vessels*

58 Mr Ramachandra Row proposes that a sum should be set apart annually for repairs to the Devaswom vessels An amount is usually provided for this purpose in the Devaswom Budget But what is wanted now is that the Tahsildar should examine the vessels available in each Devaswom and make up separate lists of the serviceable and the unserviceable vessels The latter should be either repaired or disposed of in auction and new ones supplied In some Devaswoms, there are far more vessels than necessary while in others, not even the most necessary ones exist It should be possible to distribute the excess vessels to the Devaswoms which stand in need of them

### *XI Nandavanams*

59 *Nandavanams* are flower gardens attached to the Devaswoms Most of these are in a neglected condition Mr Ramachandra Row says that some have been converted into cocoanut gardens He proposes that a correct list of *nandavanams* should be prepared This proposal is approved by the Government The

Peishcars should arrange for correct lists of *nandavanoms* being prepared, showing their survey numbers and their extent. The lists should also contain information as to the staff now employed for work in them and proposals for revision, if any. The Government consider it necessary that the *nandavanoms*, where they exist, should be improved so as to secure a supply of the flowers needed for the Devaswoms.

## XII. Miscellaneous items.

60. There are some miscellaneous items connected with the Devaswoms which deserve attention. They are (1) *Kattalais*, (2) *kuthucooly*, (3) *keezheedu* and *upayuktom*, (4) *elephant charges*, (5) *arthapalisa* and *jennubhogom*, (6) *ona alavu*, (7) *pensions and allowances*, and (8) *vastrapanom* and *sishanudama*.

61. (1) *Kattalais*. Mr. Ramachandra Row says that the various *kattalais* in Suchindrum and other temples, which are private charities, are now in the charge of private individuals. He suggests that the people should be engaged to entrust the execution of *kattalais* to the Devaswom Departments. The Government, however, feel that they should leave the *kattalais* alone. It is the private persons to make their own arrangements and the Government would put no pressure on them to hand over their funds to the Devaswoms.

62. (2) *Kuthucooly*. Mr. Ramachandra Row points out that it is the practice in several Devaswoms to have the paddy pounded by certain servants of the Devaswom and to supply the rice for the *mozdyom*. This practice, he says, does not seem to be based on any record. The pounding charges given are, he thinks, unduly high. The rate for commuting paddy into rice now obtaining in the Devaswoms is stated to be 5 to 2, that is, for every 5 edangazhies or paras of paddy, 2 edangazhies of paras of rice alone will be supplied, while, in private transactions, for

every ten edangazhies of paddy, 5 edangazhies of rice will be supplied. Mr. Ramachandra Row also says that the assumption, that the rice supplied by these privileged classes of servants is superior to what is supplied otherwise, is untrue.' The Government find that, in some Devaswoms, the supply is in form of paddy, while in others, it is in the form of rice. In large Devaswoms such as Vaikom etc., where local sentiments requires that the supply should be in the form of paddy, to be converted within the temple premises or by certain privileged classes into rice, that practice should continue in future also. In other Devaswoms, where there is no such sentimental objection, it would certainly be preferable to get the contractor to supply rice instead of paddy. Where the pounding charges are excessive, there should be no hesitation in getting them reduced. Every Peishkar should submit a list of the Major Devaswoms where the supply should be in paddy, and another list where the supply may be made in rice. In the former case, it should be stated what reasonable charges should be fixed for the conversion of the paddy into rice.

63. (3) *Keezheedu and Upayuktom* These are paddy and rice used for *kalasoms* and other ceremonies. Since the commutation of the tax in kind into cash, it was ordered that only the commutation rate could be given for *keezheedu and upayuktom*. The Government have recently cancelled that order and ruled, *vide* No 5596, dated the 16th Vrichigom 1087, that *keezheedu and upayuktom* should be disbursed in kind.

64. (4) *Elephant charges*. The Government have already ordered in their No. 4240, dated the 8th October 1911, that except for Devaswoms where there is constant use of elephants for processions, the policy should be not to purchase elephants, but to hire them for the occasion. Before hiring elephants, for any occasion, it should be made certain that Sirkar elephants



could not be procured for the purpose ; only as 'many elephants as are *absolutely* necessary should be hired.

65. (5) *Arthapalisa and jennimbhogom*. These are certain payments made to private individuals from Devaswoms, the origin of which is not traceable, but is believed to be due as *jennimbhogom* and interest on money lent at some former time. These payments are made now some in kind and others in cash. All payments like *arthapalisa* and *jennimbhogom* from Devaswoms should, as far as possible, be converted into cash and be debited to the Devaswom Budget under the minor head 'miscellaneous'. A list of persons to whom such payments are now made, with the amount in each case, should be submitted to the Government by each Peishcar.

66. (6) *Ona alavu*. There are certain gratuitous distributions of paddy called *ona alavu* on the *Thiruvonam* day in some Devaswoms. Mr. Ramachandra Row points out that, in Aranmula, for instance, several hundreds of paras of paddy are distributed in doles. These gratuitous doles may, in the opinion of the Government, be considerably reduced without causing hardship. The Peishcars should make out statements of the Devaswoms where *ona alavu* or similar doles are given at present and submit the same to the Government with proposals as to what quantity is absolutely needed in each case. A similar payment for *kudisellom* at Suchindrum has already been stopped—vide Order No. 1103, dated the 6th Karkadagom 1038.

67. (7) *Pensions and allowances*. There are certain pensions and allowances given to ex-Ooranmakars and others from the Devaswoms. These should, in all cases where they are now given in kind, be converted into cash at 14 chs. per para of paddy. The Peishcars should submit statements showing the allowances and pensions now given, with full particulars.

68 (8) *Vastrapanom and sishyanudama*. There are allowances given to the Swamiyars from certain Devaswoms. These will continue to be given in cash. A list of the Devaswoms where these are given, with the amounts in each case, should be prepared and submitted to the Government by the Peishcars.

### *XIII Sripandaravaga*

69 The foregoing orders do not refer to the most important temple in the State, viz that of Sripadmanabha Swami at the Capital. As Dewan Mr. Seshia Sastri has explained "it has a government of its own unconnected with the State." The properties of this temple, both landed and otherwise, are now kept outside the general accounts of the State. The supervision and management of this temple rest with His Highness the Maha Raja personally. Contributions are however made for several purposes to the temple from State funds. Such contributions, from whatever source given, will now be consolidated and separately shown under *Sripandaravaga*. An accurate and full list of the contributions should be prepared by the Peishcars and submitted to the Government.

### *XIV Contributions formerly made from the Oottus*

70 It has already been ordered in G O No 1748, dated the 11th May 1909, that all expenditure formerly incurred for Devaswoms from the Oottus should be debited to the head of 'Devaswoms'. These items should now be added to the appropriate heads under 'Devaswoms' in revising the *pathivus* of the latter.

### *XV Grants to Private Devaswoms*

71 Grants are now given to certain Private Devaswoms, both within and outside the State. Grants are given, in some cases, for the performance of *vazhivadus*, *niyanadanom* and other ceremonies, and in others, for repairs and renewals of Devaswom

buildings. The grants for *vazhivadus* etc., should continue, being however, as far as possible, fixed in cash, on the basis of the actual expenditure for the last three years. As regards grants for the repairs and renewals of Private Devaswoms, His Highness' Government feel that, in view to the very unsatisfactory condition of the buildings of Sirkar Devaswoms generally, and the large outlay that will be soon necessary for the thorough repair and reconstruction in several cases of these buildings, the practice of subsidising Private Devaswoms should cease, and the Government are therefore pleased to cancel the Rules dated the 19th Mithunam 1055.

#### *XVI. Devaswom Budget and Accounts.*

72. The detailed heads of receipts and expenditure under 'Devaswoms' have already been settled by the Government as below:—

##### *Receipts.*

- I. Ayacut Revenue from Devaswom lands
- II. Offerings
- III. Receipts from Sripandaravaga
- IV. Miscellaneous
  - (1) Sale proceeds of old materials and stores
  - (2) Sale proceeds of surplus provisions
  - (3) Other items

##### *Expenditure.*

- I. Establishment
- II. Travelling allowances
- III. Contingencies
  - A. Major Devaswoms
    - (i) Nitynidanom
    - (ii) Masaviseshom

rules, however carefully framed, can achieve good results unless the machinery of the administration works willingly and efficiently. It will be seen that the Government have given very full consideration to the numerous (some of them undoubtedly difficult) questions raised in Mr Ramachandra Rows' report. As far as possible, the Government have, in these orders, given full and explicit directions as to the lines on which the Peishcars and Tahsildars should proceed. The Government feel that they cannot go much beyond that. The duty of carrying out these orders would lie on the Peishcars and Tahsildars, and it is earnestly hoped that all officers concerned will rise to the occasion, realise their responsibilities, and do their best towards placing on a thoroughly sound footing the administration of one of the most important Departments in the State, which, be it said with regret has not received in the past that attention which it deserved.

76. His Highness' Government also feel it due to the late Mr. Ramachandra Row to express once more their high appreciation of the good work done by him in investigating into, and reporting upon, the condition of the Religious and Charitable Institutions of the State. But for the very valuable report of this officer, whose premature death is such a great loss to the Public Service, it would not have been possible for the Government to have dealt with the complicated and difficult questions connected with the administration of these institutions in the way they have done.

## APPENDIX IV

### PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHA RAJA OF TRAVANCORE

Read again —

(1) G O No L. R. 5208, dated the 22nd July 1906, ordering the commutation into money of the paddy allowances of all *Santhikars* at the rate of 11 chs per para ,

(2) Sadhanom No L R 7453, dated the 12th August 1607, raising the commutation rate to chs. 14 per para in regard to the *Melsanthikars* of the Suchindrum temple ,

(3) Sadhanom No D 83, dated the 25th Dhanu 1084, raising the commutation rate to chs. 14 per para in regard to the *Sathikars* of the Thiruvarpur temple , and

(4) Sadhanom No D 3981, dated the 29th Kanni 1085, raising the commutation rate to chs 14 per para in regard to the *Santhikars* of the Thiruvallur temple ,

Read also —

(5) the report of Mr K Ramachandra Row on Deva-swoms, paras 63 to 66 ,

(6) the Proceedings of the Conference of the Peishcars held from the 10th to the 14th August 1908 , and

(7) the Minutes of the Conference of the Peishcars held on the 24th September 1909

ORDER THEREON, No. D. 5067, DATED TRIVANDRUM, 4TH OCTOBER 1911.

In connection with reorganisation of the Devaswoms, one of the important questions for orders is the position and emoluments of the *Santhikars* of the Devaswoms. From the returns furnished by the Peishcars, it appears that there are 1,408 *Santhikars* distributed among 892 Devaswoms. According to the conditions of their tenure, the *Santhikars* may be classified as below:—

Santhikars	{	Karanma	{	Paying a fixed adyara
			{	Paying no adyara
	{	Non-Karanma	{	Paying no adyara
			{	Paying adyara { For life For a fixed term

The *Karanma Santhikars* are those who hold the service hereditarily. The *non karanma Santhikars* are those who hold the service, but not hereditarily. Among both classes of *Santhikars*, there are those who pay *adyara* and those who do not pay any *adyara*. The *adyara* is a fee levied from the holder of the service in consideration of the grant of the privilege of conducting it. The amount of the *adyara* is, in some cases, fixed, but in others, it is variable. The *adyara* is levied sometimes for granting the service for the lifetime of the holder, in which case it is called *purushantara adyara*, or it is for a fixed term of years. The *non karanma santhis* which have no fixed *adyara* are usually put up to auction and knocked down to the persons who bid for the highest amount of *adyara*. The average annual revenue under the head of *adyara* is Rs. 6,426. The *santhis* which pay *adyara*, but which are neither *karanma* nor *purushantara adyara*, are farmed out for a term, sometimes for three, mostly for six, and rarely for twelve years at a time.

2 The *Santhikars* may also be classified, according to the nature of the service they perform, into the *Melsanthies* or the chief Poojaris, and the *Keezh-santhies* or the assistants to the former. The substitute who attends to the service during the absence of a permanent *Santhikaran* is called a *Mutusanthikaran*.

3 Mr Ramachandra Row as well as all the Peishcars have expressed the opinion that the system of auctioning has demoralised the *Santhikars* as a class, in so far as it has sometimes enabled persons without any religious merit securing the service and ousting the really pious and orthodox. As regards the levy of the *adyara*, however, opinion is divided. Mr Ramachandra Row considers that a system of fixed *adyara* may be tried. The majority of the Peishcars, however, think that the *adyara* should be abolished altogether, as being in the nature of the sale of public offices. His Highness' Government, after careful consideration, resolve that the *adyara* should be wholly abolished for all *Santhikars*. By relieving the *Santhikars* of this unnecessary burden, the Government trust that the service will attract a really suitable class of persons, who can be relied upon to perform their duties satisfactorily. It has recently been the policy of the Government not to sanction the auction of the *santhis* but to continue the holders of the service on the payment of an *adyara-upakari* or proportionate instalment of the *adyara* bid at the last auction. There may however exist *santhis* whose term has not expired. In these cases, the *adyara* already paid will not be refunded, but the holders will be allowed to continue to hold on until the expiry of the period for which the services have been auctioned to them.

4. No practical advantage will however result by the abolition of the *adyara*, unless better qualifications are insisted upon for the *Santhikars* than are now prescribed. On the proper

performance of the *santhi* service rests the sanctity of the temple. It is necessary therefore to secure the best persons qualified for the service. The fitness of a person for performing the *santhi* service generally consists in the pure life he leads, the conscientious manner in which he performs the service, and the thorough knowledge of the nature and details of the service he has to perform. In some temples, such as Suchindrum, the *Santhikars* have to be chosen from a limited circle. The customs and usages of the different temples have of course to be adhered to in the selection of persons for the *santhi* service. In view to the varying usages obtaining in the several temples, it is not possible to lay down at once a uniform test for determining the qualifications of the *Santhikars*. At the same time, it should be possible to choose the best among those eligible for the service, in the Peishcars would take the trouble to do so.

5. It has been explained *supra* that some *santhi* services are enjoyed as *karanma* by some families. A family which has a subsisting *karanma* right to perform the *santhi* service of a temple may continue to enjoy the right as heretofore, so long as it produces competent members for the due performance of the service. Service by proxy will not however be allowed. If the *karanma* family has no competent member to perform the service, the Government reserve to themselves the right to appoint a competent person for the *santhi* service until the *karanma* family produces a competent member, the competency being determined as in the case of the other *Santhikars*. Any alienation by the family, of its *karanma* right to the *Santhi* service, will determine the right, and the Government will hold the *karanma* family always liable for the irregularities of the member of the family who actually performs the service. The *karanma Santhikars* will be subject to the same disciplinary control as the other *Santhikars*.



6 The *Santhikars* of some Devaswoms are by custom nominated by private individuals or bodies. These private individuals and bodies may continue to enjoy the privilege of nominating the *Santhikars* of such Devaswoms on the distinct understanding, (1) that the person nominated should be certified *in writing*, by the person or the body of persons nominating, as thoroughly conversant with all the details of the service he has to perform in the temple for which he is nominated and as otherwise qualified for the post, (2) that the nominee possesses good character, leads a pious and *vaidik* life and may be relied upon to conduct the service regularly and properly, (3) that, in case the nominee misbehaves or does not attend to the service properly or does anything detrimental to the Devaswom, the Government reserve to themselves the right to reject the nominee, if not already appointed, or to remove, or suspend or otherwise deal with the *Santhikaran*, if already employed in the service, (4) that, in the event of the nomination being disapproved by the Government or the *Santhikaran* being removed as aforesaid, the person or body of persons who has the right of nomination should, on requisition being made by the *Tahsildar* or by any superior authority, recommend another proper person, irrespective of any term which may have been granted to the first nominee. (5) that, the person nominated should himself conduct the service, unless prevented from doing so by reason of illness, pollution, or for other similar cause beyond his control, which should at once be reported to the local authorities and leave of absence obtained before quitting the station, and (6) that, the *Santhikaran* will be held responsible for the safe keeping of the jewels, vessels, etc., in his custody, and he should deposit such security as may be determined by the Government.

7. In regard to the *santhis* usually filled up by the Government, the following procedure will be adopted—(1) six

months before *santhi* falls vacant, the Peishcar should publish a notice in the Gazette, and also locally, calling for applicants and stating the qualifications needed for the post, the emoluments attached to it, and the security which will be demanded; (2) all applications should be in the form prescribed in Form A attached to this order and should be accompanied by approved certificates of qualifications and character; (3) all applications should reach the Peishcar three months before the post falls vacant; (4) the Peishcar should forward the applications to the Government, stating his opinion as to who is the fittest person for the appointment; (5) if there are no applicants, the Peishcar should recommend to the Government a proper person for the vacancy; (6) all *santhis* hitherto usually filled up by the Palace will continue to be so filled up; (7) in the choice of candidates for *santhis*, preference will be given to Malayala Brahmins, and among them to those who are natives of Travancore, provided they are qualified to perform the service and also provided that the custom and the usage of the temple in which the *santhi* is vacant do not forbid the appointment of Malayala Brahmins for the service.

8. 'Certificates of qualification for *santhis* in temples, issued by the persons noted in the margin, will be considered approved certificates. They should be in the Form B appended to this order.

1 Pakaravoor Swamiyar	
2 Tharazhambur Namburpad	
3. Thazhamon Poti	
4 Kalpakamangalathu Poti	
5. Koovakata Poti	
6 Kulakada Nambi-Pandarathu	
7. Bhadrakali Mattapalli	
	Namburi
8. Kizhakenedathu Mekad	
	Namburi
9. Pambummekad Namburi	
10 Pudumana Namburi	
11. Karliakol Namburi	

No certificate should be issued, unless the person issuing the certificate has personally examined the applicant in his knowledge of the details required for the *santhi* and is satisfied that the applicant belongs to the caste or sub-division of caste eligible for the service. Certificates of character, as per form prescribed in Appendix C to this order,

issued by any Gazetted Officer of the Government, the Pakaravoor Peria Swamiyar, the recognised Tantries of the Devaswoms, and distinguished private gentlemen, like the Thekkedathu Bhattathiri, the Vanjipuzha Pandarathil, etc., may be accepted.

9. As a general rule, no *Santhikaran*, except when the *santhi* is *karanma* to a family or given as *purushantara* service will be continued in service for more than three years at a time. The Government, however, reserve to themselves the right to appoint a *Santhikaran* for a longer term. A *Santhikaran* appointed for a term of years is liable to be removed before the expiry of the term for irregularities proved.

10. It shall be the duty of a *santhikaran* (1) to perform properly and personally, and at the fixed times, the *poojas* and other services according to the *pathivu* and custom of the temple and generally to promote the sanctity of the temple which he serves; (2) to undergo *avrodhom*, reside in the *sanketam* and conform strictly to such other rules as are customary in the temple, (3) to give full facilities for worship to devotees, consistent with the rules and custom of the temple; (4) to conduct all *vazhivadus* offered in the best manner possible; (5) to give *prasadam* to the devotees; (6) to preserve from pollution or destruction the *Bimbom*, the *Vigrahams*, the *Salegramoms* and such other holy things within the *Garbhagrisham* and keep the inside of the *Garbhagrisham* scrupulously clean and tidy; (7) to take charge of such ornaments and utensils as are not removed from, or are customarily kept inside, the *Garbhagrisham*; (8) to lock the *Garbhagrisham* securely when he leaves the temple after the *poojas* and to keep the keys safe in his custody; (9) to examine carefully everything inside the *Garbhagrisham* when he comes and opens the temple each day and to report immediately to the local authority any suspicious circumstances noted; and (10) to report at once

to the local authority any accident which may happen to the things in his charge.

11. The existing sources of income for the *Santhikars* are (1) the *nelludama*, formerly fixed in kind, but since converted into cash, (2) the *kooru*, or a portion of the *vashivadus*, the *oonari*, the *dakshina*, the *keezheedu*, and special allowances for extraordinary ceremonies such as *utsavoms*, etc. All the *Santhikars* in all the temples do not get all then above kinds of allowances. The pay of the *Santhikars* formerly paid in kind, but since converted into cash, is found to vary considerably. Some *Santhikars* do not get any pay, but only a portion of the *nivedyom* cooked rice. In the Suchindrum, Thiruvarpu and Thiruvallur temples, the pay of the *Santhikars* has been commuted into cash at the rate of 14 chs. per para of paddy, while the *Santhikars* in the other temples have been allowed only a commutation rate of 11 chs. per para.

12. His Highness' Government resolve that, in future, the pay of the *Santhikars* should be fixed wholly on a money basis and not on a paddy basis. All allowances now paid to the *Santhikars* in kind, except any portion of the *nivedyom* cooked rice, the *keezheedu* paddy and rice and other articles given after use in the temples, should now be converted into cash at 14 chs. per para of paddi and 10 fanams per para of rice. Any extra emoluments, such as oil for bath, betel, nut, etc., wherever they are now allowed to the *Santhikars*, should also be converted into cash at a fixed rate. All the allowances, except those sanctioned *Supra* to be paid in kind, will be added together and a consolidated sum in cash will be fixed as the pay of each *Santhikaran*. Each Peishcar should work out the details in regard to each of his temples and forward to the Government a statement, before

the 1st Dhanu 1087, in the Form D appended, showing the consolidated amount of the pay of each *Santhikaran* per mensem. The *Santhikars* will continue to enjoy the *kooru* and may receive *dekshina* as hitherto.

13. Where there are several Minor temples within easy reach of a Major temple, it may be advantageous to group them, and to make the *Santhikaran* of the Major temple responsible for the service of the group of Minor temples subordinate to it. The Peishcars will submit to the Government their views as to whether this grouping is practicable, and if so, how they would do it.

14. It is necessary, for the safety of the jewels and utensils in the custody of the *Santhikars*, that the latter should deposit security *in cash*. No security need however be demanded for the custody of articles, the value of which in the aggregate does not exceed Rs. 100. The Peishcar should report what security should be demanded in each case.

(By order)

A. J. VIEYRA,

Chief Secretary to Government.

To

1. All Peishcars,
2. The Superintendent, Devikulam Division and
3. The Financial Secretary

## FORM A

Application for appointment for.....santhi in the temple of.....  
in..... taluk.

Full name of the applicant	Native place	Present place of residence	Caste	Sub division of caste	Age	Whether applicant wassanthikaran before			Certificates produced		Signature of the applicant	Remarks
						Name of temple	Whether melsanthi or keezhsanti	Date of termination of santhi	By whom given			
									Eligibility for santhi	For good conduct		
1	2	3	4	5	6	7	8	9	10	11	12	13

In cols 1 and 2 the house name, village and taluk, should be clearly stated. If the applicant is not a native of Travancore, the name of the District should also be stated.

I hereby declare that above entries are correct.

Date .....

Signature of the applicant.

## FORM B

\_\_\_\_\_ was examined by me, and I hereby certify that \_\_\_\_\_ is leading a Vydic life, that he is eligible both by birth and attainments for performing \_\_\_\_\_ santhi in \_\_\_\_\_ temple, and that he is conversant with \_\_\_\_\_ pooja.

Place

Date

Signature and name of the person who grants the certificate.

## FORM C

\_\_\_\_\_ is personally known to me. I certify that he is trustworthy, honest, and of good character.

Place

Date

Signature, name and official designation, if any, of the person who grants the certificate.

## FORM D.

NAME OF TALUK

## STATEMENT SHOWING THE PRESENT AND PROPOSED PAY OF THE SANTHIKARS

Name of temple	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Nature of santhi (Melsanthi, Keezhsanthi, etc)	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Number	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Details of emoluments exclusive of pay	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Rs. Payment in cash inclusive of the value of paddy given at the commutation rate	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Amount of paddy paid when payment was ordered to be made in cash instead of paddy	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Value at the rate of 14 chs. per para	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Payment in money besides paddy	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Details of articles to be converted into money as per G.O.	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Value of items in col. 24	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Total	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Proposed pay to be fixed hereafter per mensem.	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Details of articles to be given in kind as hitherto besides pay	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Value of thiruvabharanam etc. in possession	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
Proposed security for the post	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		
The class eligible for santhi as per Kshetracharam.	1	2	3	4	5	6	7	8	9	Present pay per mensem		Proposed pay per mensem										Remarks	38
										Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	Rs.	Rs.	ch.	c.		

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**HINDU**  
**RELIGIOUS ENDOWMENTS BILL**

**PROCEEDINGS**  
**OF THE**  
**LEGISLATIVE COUNCIL**

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# HINDU RELIGIOUS ENDOWMENTS BILL

## PROCEEDINGS OF THE LEGISLATIVE COUNCIL

Mr. Nagam Aiya :—In asking for leave to introduce the Bill of which I have given notice, I beg to make a few remarks.

For several years past, I have had it in my mind that some action should be taken by this Council for "the better protection and management of Hindu Religious and Charitable Endowments in Travancore"—such as are not already under the management of the Sircar. But the necessary information was not in the first place available, and in the second place it was a difficult task, there being no British Indian enactment as a guide to copy from, and thirdly, the needful stimulus was wanting, until our President, the Dewan, wrote to me thus more than two months ago:—"Sometime ago, you told me that you had an intention of introducing a Bill in the Legislative Council for the better management of Hindu Pagodas and other institutions. Every day I receive complaints of mis-management of private Pagodas. Now there is no written law empowering any authority to assume management and prevent waste. Necessity for legislation on this subject is becoming very pressing."

That I have had this question in view for many years past, will be clear to the Council from the following extract of a letter, which I wrote 4 years ago, to an official member of His Excellency the Viceroy's Council. I wrote to him thus:—"During the time you sit in the Supreme Legislative Council, "I wish that something would be done to the Religious

“Endowments of British India. They represent vast wealth, most of which is squandered away. They should be conserved and regulated discharging the trust which the British Government have inherited from their predecessors faithfully to some extent, at least, like what the Native States do with regard to similar endowments within their territories” To which he replied on 15th January 1896, “I have little hope of being able to effect an improvement in the administration of Religious Endowments, but it is a most important subject.”

In the result, however, the condition of the Hindu Devasthanoms throughout the British Indian Empire, I regret to observe, remains in the same unsatisfactory condition still, or as the Madras Government wrote in their letter to the Government of India No. 73, dated 26th May, 1894. “It is unnecessary to discuss the question whether the existing law embodied in India Act XX of 1063 is insufficient for the purposes for which it was designed; that point was settled more than 20 years ago, and every year merely adds to the overwhelming mass of testimony to the inadequacy of the law and the necessity for the speedy application of a radical remedy. Nor is it essential to narrate in detail the history of the efforts which this Government has made to meet the wishes of the Hindu community, which views with the utmost dissatisfaction the well-nigh unrestricted opportunities for peculation afforded by the law to those who are entrusted with the administration of the great wealth belonging to the numerous religious institutions in the Presidency of Madras.”

I will not trouble you now with the details of the Bill I propose to introduce, the object of which is only to enable Government to take power to interfere in the management

of such institutions whenever in the interests of those institutions themselves, such interference is called for; but on the present occasion, I will address myself to two important points in connection with the question, viz,

I. Whether Government may interfere in matters of this kind, and

II. Whether if such interference is unobjectionable, there is any *real* need for such interference.

In reply to the first question, it will be admitted on all hands that it is the duty of Government to interfere in the case of these endowments and protect them from the wholesale misappropriation and shameful mismanagement, now going on, in direct contravention of the intentions of the original grantors of the endowments, and further, that in regard to religious trusts it is the duty of every Government to protect and safeguard them, and fully promote, as much as possible, the benevolent and charitable intentions of their donors.

For this purpose, it is not necessary to invoke the aid of ancient Hindu or Roman law-givers, as the principle itself has been again and again fully admitted and practised in more recent times. I will quote the following words of Sir. T. Muthuswamy Iyer's Hindu Religious Endowments' Committee of 1893—a Committee composed of the then best Native talent in the Madras Presidency, which succinctly describes the relationship that existed in India between the Ruler these and institutions, in the Hindu, the Mahomedan and the early British periods of Indian history:—“Under Hindu rule, the Rajahs exercised through their officers real and direct control over all religious institutions and endowments. The supervision of temple management was and is recognised in every

" Native State to be one of the essential functions of Govern-  
 " ment. As instances in point, the Native States of Mysore,  
 " Travancore and Cochin may be mentioned. The Native  
 " Rajas were deeply interested in the well-being and advance-  
 " ment of Hindu Religious institutuions. Many of these  
 " institutions had been founded and endowed by their ancestors,  
 " and most, if not all, of them continued to receive periodically  
 " pecuniary contributions from the State. Even under Maho-  
 " medan rule, this duty of the State was not completely ignored.  
 " Except during periods when religious intolerance was at its  
 " worst, the Mahomedan rulers of India considered utinexpedi-  
 " ent to make some provision against the deterioration or decay  
 " of Hindu temples by neglect or peculation, and in some  
 " instances even added to their endowments. Under British  
 " rule, there was for many years no enactment or regulation  
 " bearing on the management of Hindu temples. Regulation  
 " VII of 1817 had the obvious intention and effect of continu-  
 " ing and maintaning the policy that had been in vogue under  
 " Hindu and Mahomedan rulers. Not only was there a distinct  
 " recognition of the principle that it was a duty incumbent on  
 " Government to keep a strict watch over religious trusts  
 " and endowments, but practical was given effect to this  
 " principle by the exercise of efficient and stringent control  
 " over the management of Hindu temples, through the instru-  
 " mentality of the Revenue officers of the State. From 1817  
 " to 1842, there was general satisfaction that Hindu temples  
 " were being properly managed, and that the danger of temple  
 " funds being misappropriated by the managers had been reduced  
 " to a minimum. The supervision exercised by Government  
 " over the management of Hindu temples during the period  
 " referredto was one of the many acts by which Government  
 " endeared itself to the hearts of its native subjects."

The principle was distinctly admitted in the preamble to the Regulation VII of 1817 itself, which recited:—  
 “Whereas considerable endowments have been granted in money, or by assignments of land, or of the produce, or of the portions of the produce of land, by former Governments of this country, as well as by the British Government, and by individuals for the support of mosques, Hindu temples, colleges, and choultries, and other pious and beneficial purposes: and whereas there are grounds to believe that the produce of such endowments is, in many instances, appropriated, contrary to the intentions of the donors, to the personal use of the individuals in immediate charge and possession of such endowments: and whereas it is the duty of Government to provide that all such endowments be applied according to the real intent and will of the grantor: and whereas it is moreover expedient to provide for the maintenance and repair of bridges, choultries, chuthrums and other buildings which have been erected, either at the expense of Government or individuals, for the use and convenience of the public ....  
 “the following rules have been enacted.”

Though the British Indian Act XX of 1863 repealed this excellent Regulation, there is a spirit of re-action again setting in now, in favor of aiding in the management of Hindu Temples and endowments in the minds of the British Government itself—as I gather from the following extract of a resolution of the Madras Board of Revenue dated 8th September, 1893, No. 524, on the Bill submitted by Sir. T. Muthuswamy Iyer's Committee:—“The real cause of the present unsatisfactory state of things is the strict policy of non-intervention in temple management which Government has adopted for the last half-century. But so

" long ago as 1876, the Government of India receded from the  
 " position of rigid non-interference originally taken up, and  
 " went so far as to observe, with reference to a proposed  
 " central Temple committee at Madras, that 'it would pro-  
 " bably be better that the members should be appointed and  
 " removed by Government.' This observation is equally  
 " applicable to the local Committees now proposed; and  
 " though the present Bill contains provisions for nomination  
 " of members in part by Government agency, it is defective  
 " in not providing for their removal except under section 7 or  
 " by suits instituted by 'persons interested.' The Board would  
 " remedy this defect by accepting and acting upon the prin-  
 " ciple laid down by the Government of India, and would  
 " accordingly suggest (1) that the local Government should  
 " take power under the Act to remove members of the local  
 " committees for such mismanagement or other misconduct  
 " in its opinion, shows them to be unfit to administer the  
 " endowments; and (2) that the Collector should also be  
 " empowered, on complaint made by (say) six or more persons  
 " qualified to be elected members of committees, to enquire  
 " into the working of any committee, and, if necessary, to  
 " recommend to Government the removal of any member or  
 " members for notorious wrong-doing or for neglect of duty."  
 " The Board is, however, fully convinced that the control of  
 " 'local officials holding influential and responsible positions'  
 " is absolutely necessary and that it is inevitable that  
 " Government, through one of its Departments, should inter-  
 " fere in the matters above referred to The Board would,  
 " however, leave the Bench undisturbed and exercise the  
 " necessary control through the ordinary administrative  
 " machinery of the Revenue Department."

Sir George Campbell, a former Lieut. Governor of  
 Bengal, writes in his 'India as it may be' :—"I think that all

“ such endowments should be supervised by Government, that  
 “ the conditions of tenure should be distinctly registered, that  
 “ their fulfilment should be annually ascertained, and that  
 “ Government should retain a power of putting them from  
 “ time to time into proper hands, and when necessary, re-  
 “ distributing the funds ”

The Ceylon Government has a very complete ordinance, providing “ for the better regulation and management of the “ Buddhist Temporalities in the Island,” according to which, clear and detailed rules are laid down for the conduct of Trustees, the checks upon them by District and Provincial Committees, powers to suspend and dismiss Trustees, and in some cases for subjecting them to criminal prosecution, thus showing a very considerable deference in the treatment of temples and their funds from what the British Indian Government has recently adopted in the Indian Empire This ordinance is No. 3 of 1889.

In our own country, the principle has been again affirmed in the Royal Court of Final Appeal, case No I of 1062, M. E., in which our learned President sat as Chief Justice. It was held in that case, that the Sircar has the power of interfering in the affairs of public institutions, under the control of hereditary trustees, in cases of gross neglect of duty or misconduct and of assuming the management of such institutions, without recourse to law, if that course is necessary in the interests of such institutions. In the course of the decision the Judges observed :—“ We are “ not prepared to hold with the learned Judges of the High “ Court that the Government, in the first instance, are bound “ to seek the aid of the Civil Courts, to exercise this power. “ Any member of a community to which a religious institu- “ tion belongs, has the power to remove even an independent

" *hereditary trustee with the aid of the Civil Courts* (I. L. R.,  
 " III Bom. page 27, III All. page 636 and T. L. R. vol  
 " VIII, page 63.) Reason points to the conclusion that the  
 " Government, which is *parens patriae*, must possess higher  
 " powers than those of its subjects. We think that the  
 " executive on being satisfied of the existence of strong  
 " grounds for its interference, may assume the management  
 " of public trusts, without prejudice to the rights of the  
 " aggrieved parties to obtain redress for wrongs committed  
 " upon them, by an appeal to the judicial tribunals in due  
 " course of law. The best interests of public trusts require  
 " that the Government should possess this summary power.  
 " If it is obliged to remove by suit every defaulting trustee,  
 " the consequence would be very serious to the interests of  
 " religious institutions. For instance, if divine service is  
 " discontinued in a Hindu shrine held in great veneration, the  
 " serious consequences that result therefrom, cannot, from a  
 " religious point of view, be remedied by any relief granted by  
 " Courts; and prompt action would be necessary to secure the  
 " continuous performance of service. Who should take such  
 " action? None but the Government can be safely entrusted  
 " with the power of interference on emergent occasions. The  
 " position of the Government demands that every presumption  
 " should be made in favour of the fairness and justice of its  
 " proceedings. The parties aggrieved by any unwarranted or  
 " unjust action of the executive can obtain redress by civil  
 " action."

It is thus clear that it is the duty of the State to look after these endowments and regulate and control them from time to time, their welfare being thus made an object of its constant care and solicitude. I will go further, and say that it is not only the duty of Government but their interest as



well to regulate them, for in times of famine or general distress, these endowments, if well managed, will become sources of enormous help and might enable Government to tide over difficulties otherwise insurmountable.

The next point for consideration is whether there is in the present condition of the private Hindu temples and charities of Tarvancore, any real need for such Government interference, as is contemplated—whether the present trustees and managers of those institutions are not themselves alive to a sense of duty and responsibility, so as to make enquiry into their condition by Government an unwelcome interference, and a wholly superfluous and gratuitous task from their point of view? In answer to this question, I can boldly say that Government interference is *absolutely essential*. One of my valued correspondents, in suggesting a full enquiry, writes “there is no doubt a prevailing notion that religious and charity endowments have been mismanaged by private agencies.” The result of my best enquiries goes to show that the prevailing notion is well-founded in the opinion of private gentlemen, as well of some of our best men who have seen different branches of the public service, and who have moved closely with the people, living in their midst, and concerning themselves in their affairs, their interests and their aims, and knowing from very considerable local knowledge their wishes, their difficulties and their short-comings. These gentlemen who have favored me with replies to my queries on the subject, are unanimous in declaring that mismanagement and malversation of temple and charitable funds are the rule, while the faithful and honest fulfilment of the benevolent intentions of original donors as a sacred duty, is the exception: Permit me, therefore, to quote from some of their letters which will satisfy the Council how *real* the evil is and what

*baneful* effects it has produced and will produce on the population, if unchecked—not to speak of the blight which it will lead to and chill of all light and warmth from the hearts of future donors of pious and beneficial endowments, if any, in this age. I have no doubt that you will come to the conclusion that legislation is necessary.

One of our most experienced officers,—a gentleman who has served in the Revenue, Police and Judicial departments of the Public service writes:—"I beg to inform you that legislation is necessary to protect private Hindu temples and other charities."....."By an Act like the one you propose, you would be doing a service to the country and to the cause of charity by putting down endless malversation of useful and valuable funds and the litigation consequent upon it."

Another of our high officers writes:—"Such being the case, it becomes very necessary that such charitable funds and institutions have to be placed on a satisfactory footing by introducing proper management, guaranteeing to carry out the object of the charity"....."Hence arises the obligation on the part of Government to frame such laws and regulations for the proper management of the institutions throughout the State, and to carry out as much as possible the intentions of the donors."

One of our most experienced Tasildars, now a First Class Magistrate, writes:—"The Government not having a direct interest in the matter and the existing law being defective, there seems to be no check against the malpractices in respect of the trust property and consequently the evil is growing day by day. The nominal interference of the State under the principle that the Sovereign is the protector of

" all charities does not carry the desired effect. Measures for  
 " the proper conduct of the charities, as intended by the donors,  
 " with the result of a wholesome check against misappropria-  
 " tion, should be adopted. I, therefore, think that legislation  
 " on the subject is highly necessary."

A retired educational officer of ripe experience and great knowledge writes:— "Unless Government interfere in  
 " these temples and regulate their affairs, the arrangements  
 " made by the people themselves from time to time will never  
 " be satisfactory, as can well be seen from the present condi-  
 " tion of these temples."

Another of our retired officers, but young and highly educated and a former member of this Council writes:—  
 "Considering this fact as well as the extent of the properties  
 concerned and of the proportion of the general population  
 whose prosperity is closely connected with these properties, I  
 have no hesitation in urging that the legislature should lose no  
 time in providing an instalment of its help for the protection  
 of these Devaswoms"

“ It is very seldom that the devotees and worshippers  
 “ of the religious and charitable institutions avail themselves  
 “ of the wholesome provision contained in section 511 of the  
 “ Civil Procedure Code.”

One of our noblemen in North Travancore writes:—  
 “ I think it highly desirable that we should, by legislative  
 “ interference, put a stop to the misappropriation of the  
 “ temple funds.”

One of our best Munsiffs writes:—“ In my opinion,  
 “ legislation on the subject is necessary, and I have on  
 “ several occasions mentioned the desirability of the Govern-  
 “ ment making at least some provision for the better manage-  
 “ ment of private charities, to some of my friends and even  
 “ to the late Dewan.”

Another experienced Munsiff writes:—“ I am, therefore,  
 “ in favour of a Bill being introduced in our Legislative  
 “ Council for affording proper protection and Management  
 “ of the affairs and the funds, particularly of the private  
 “ Hindu religious and charitable institutions.”

A third Munsiff writes:—“ I think with others, whose  
 “ opinion I have ascertained, that Government should extend  
 “ its protecting arm to remedy such state of things. It reco-  
 “ gnised the principle in Colonel Munro's time, but in  
 “ giving effect to it, selected those temples which, while their  
 “ support would not entail any cost on it, would be a source  
 “ of public revenue.”

A young and energetic Tasildar writes:—“ I think a  
 “ Regulation for the protection and better management of all  
 “ religious and charitable institutions both public as well as  
 “ private is necessary.”

An experienced Vakil of South Travancore writes:—  
 “ On the other hand, it must be admitted that nothing will go  
 “ straight, if there is not some sort of Government interference.  
 “ Our people are not sufficiently educated to regulate the  
 “ autonomy of their institutions, and if anything is rotten,  
 “ those interested have neither the will nor the inclination to  
 “ set matters right ”.....“ I, therefore, submit that  
 “ Government interference is necessary and legislation must  
 “ be resorted to. ”

A Manager of one of our Brahmin Jenmis near  
 “ Trivandrum writes:— “ If Government were pleased to  
 “ undertake the supervision of these temples, not only will  
 “ the anarchy at present prevailing in them disappear, but the  
 “ original intention of the donors will be properly fulfilled,  
 “ malversation of funds be removed and their properties will  
 “ increase, the temples themselves repaired, thus resulting in  
 “ prosperity and reputation to the people, the donors and  
 “ Government. ”

One of my Assistants writes thus:—“ As regards question  
 “ No. 1, viz., whether there is any considerable misappro-  
 “ priation of private temple funds or mismanagement of private  
 “ charitable endowments, I feel no doubt that Pagodas which  
 “ are exclusively managed by private individuals are not the  
 “ models of what they ought to be in the view of their original  
 “ founders. ”.....  
 “ Abuses in these endowments often arise from a few cause-  
 “ The most prominent of these are mismanagement by  
 “ incapacity, fraud and lack of interest in the temple  
 “ affairs ”.....“ I, therefore, sum up that a reform is  
 “ urgently called for, to place them on a satisfactory footing  
 “ and that the formation of local Boards with ample executive  
 “ powers and subject to the orders of the State would be a  
 “ means to obviate existing evils ”

A very intelligent Supervisor in the Settlement Department writes:—"As the present condition of these temples and charities is unsatisfactory and matter of general complaint as shown above, an enactment for their preservation and improvement is absolutely necessary and will give to the people at large greater satisfaction than all other regulations conserving public interests."

Another intelligent Supervisor also writes:—"The management of all public charities should at once be assumed by Government. Regarding private charities, if the donors so desire in writing, Government may take them; or, if the family of the donor be large and if its members quarrel among themselves and consequently mismanage the charity, Government can, after enquiry and proof, interfere."

A retired Tahsildar of ability and experience writes:—"I have mentioned here only the names of a few temples and *Samuhathumadoms* which are on the high road to ruin. I believe that a close examination will show more than a thousand private temples and charitable institutions in this miserable condition. There is sufficient reason to infer that the present condition of the management and conduct of such institutions is rotten and unsatisfactory and that such a state of affairs greatly affects the public well-being and advancement of the Hindus. The people are gradually growing more selfish; so, no one troubles himself about the common weal. If Government also remain silent, the interests of the public at large will be wholly unprotected. Hence the time is come for a complete and definite legislative enactment being introduced."

Two respectable ryots south of Trivandrum write:—

“ Thus the charities are not only not properly managed, but  
 “ they do not remain even in name; and in these days, most  
 “ of the people are indifferent and devoid of all love of  
 “ charity. Hence if a regulation be passed enabling Govern-  
 “ ment to assume *melkonnma* over, and to regulate the  
 “ conduct of, these charities, the private charities above  
 “ mentioned as well as those incorporated with the temples  
 “ having *ഏതരിശിരയി* such as Namaskarams (കാൽ കഴിപ്പൂട്ട)  
 “ will thrive well: if not, there is no likelihood of their proper  
 “ conduct and better preservation. We say all this from our  
 “ own personal experience.”

It is not necessary to trouble the Council with the names of the temples or charities where, at present, management is declared to be very unsatisfactory in the opinion of my correspondents, who have personal experience of them. It is enough to state that every important endowment whether of temple or charity is torn by dissensions amongst the managers, or disfigured by litigation in the civil courts

Before concluding, I will say one or two words on the magnitude and importance of the interests at stake. The State had no concern with the management of any temples before the year 937 M. E. when the linded properties of 378 temples were assumed by the State and the management taken over. 1,171 minor temples which had no property were also assumed either before or at that date. The expenditure, establishment and the routine of ceremonies, rules for management, all were settled for these 1,549 temples on this occasion by Col. Munro—the Dewan Resident, on a permanent basis. But this number, 1,549, represents only a fraction of the temples of the State. According to the Census of 1875, there were returned 9,307 temples throughout the State. Deducting the number

under Sirkar management (*viz*, 1,549), we get 7,758 temples beyond the pale of Government management. That is, 17 per cent of the total temples of the State are under Government management, while 83 per cent are outside it. This number is exclusive of 'Kavos' and Thekkathos of Malayali houses, whose number is legion. Lieutenants Ward and Connor give 22,900 'religious temples and places of worship, independent of churches, musjeds and synagogues. But in the statistical table appended to their Report, one of the columns under which alone, 15,000 are returned, is 'temples and groves dedicated to minor divinities. The groves and thekkathos have been excluded in the Census, and hence the difference between the two results.

The property owned by these 7,758 temples is also vast. According to the settlement of 1012 which comprised only a settlement of garden lands these private Devaswoms owned 54,155 gardens, tax free. The temples within the boundaries of Adhigara Olivu and Desu Olivu tracts are excluded from this calculation. The assessed rental of these 54,155 gardens came to 79,496 Rs. It can be safely estimated that the present assessment on them will come to  $1\frac{1}{2}$  lacs of Rupees. Multiplying this sum by 25, we get the figure 37 $\frac{1}{2}$  lacs of Rupees—the capitalized value of those gardens. The paddy lands of the same may be estimated to be worth about 60 lacs of Rupees—in all the landed property of the Devaswoms whose welfare it will be the object of this Bill to promote, may be put down as worth 1 crore of Rupees. The movables of these temples may be valued at  $\frac{1}{3}$  of a crore, excluding the buildings, almost all of which are in different stages of decay throughout the country. These are the properties known to the public accounts before 1012. Properties purchased since then in the name of those temples,



or properties dedicated to them, or to other charities before that date if paying Sircar tax, cannot be discovered from the Sircar accounts. These also will swell the property of these institutions. It may not be far wrong if I estimate that the total value of the endowments meant to be death with is about 2 crores of Rupees. I trust this will give the Council an idea of the magnitude and importance of the question we are dealing with.

If you permit, I shall introduce a Bill at an early date. With regard to its scope, I will only state that it is intended to be very limited, that Government seeks no profit by the proposed legislation, that the well-being and prosperity of the institutions are our only aim, and the satisfaction of the public our best reward. No radical changes are contemplated, no vested interests will be rudely disturbed. Dishonest managers will be watched and corrected. Honest trustees will be helped and encouraged. In every way, the intentions of the original donors will be followed and fulfilled.

## HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL.

MR. NAGAM AIYA — As it is not 15 days yet from the publication of the Bill in the Gazette, I beg the council will suspend Rule 33, to enable me to introduce the Bill

The Rule having been suspended, Mr. Nagam Aiya introduced the Bill and in doing so spoke as follows:—

“ With your permission, Sir, I will offer a few remarks in introducing this Bill. My initial difficulty has been the absence of an authoritative piece of British legislation on the subject, which would not only have considerably lightened the labors of a member of this Council undertaking a similar measure here, but would have created in the minds of a random critics a sense of respect and responsibility and thus obviated a deed of needless and reckless criticism. It will, I trust, be patent to the Council that the Bill has been the result of considerable labour, thought and consultations. The public have been taken into confidence and no pains have been spared to canvas their views or benefit by their local knowledge and experience, but nevertheless, I fear the Bill is not sufficiently immuned from the attacks of critics of sorts, coming from all points of the compass. There is nothing however strange in this. It is the common lot of those who are engaged in the refreshing work of putting things to rights, or as one who holds a foremost place amongst the original thinkers and word-painters of the century said: “ If no other happiness is to be had, the mere war with Decomposition is a kind of happiness. But the war with the Lord of Decomposition, the old Dragon himself, St. George’s war, with the princes to save and win, are none of you, my friends, proud enough to hope for any part in that battle.”

One class of critics I can summarily dismiss from consideration, though unfortunately they cannot be included in the uneducated portion of our population. These are critics who have been favoring the public with their objections and remarks on the Bill several months before the Bill itself was framed and published. As their views are not founded on the provisions of the Bill, but on pre-conceived notions of what it might contain, no explanations can be given to them here, nor do they deserve any. But there is another class of critics, by far the largest portion of those whom the Bill will effect, who entertain entirely wrong notions of the object and scope of the measure, who fancy that this Bill is conceived in a spirit of opposition to their vested rights, and whom it is therefore our duty and interest to correct and conciliate. In the following remarks, I will endeavour to remove their misconceptions.

There is yet another class of critics, the vast majority of our population, who form the *cestus qui trust*, as it were, of these endowments and are directly interested in their welfare and benefited by their proper administration. They hail the measure with delight and have welcomed it as glad tidings of great joy. These good folks tell me that the Gods in the temples, enveloped so long in mist and gloom under the baneful influence of malevolent planets, are now approaching their day of deliverance and are about to enter the period of prosperity known in popular language (सुक्रदेश) 'Sukradesa.' The sympathies of this large class of people are with us and are a source of strength and encouragement to the promoters of this Bill. The opinions of experts are quoted in this Council six months ago, in my preliminary speech, faithfully reflected the views of this large section of the public.

To Government itself, the task undertaken is only a labour of love. It is not a question of fiscal policy or acquiring

new rights. Legislative sanction is now sought for an undoubted right which Government already possesses and which is inherent in it as *parens patriæ* of its people. No well-organized Government can divest itself of responsibility in the matter of the administration of public trusts, in which so immense a quantity of wealth is involved and upon the proper administration of which so much of the public welfare depends. The judicial tribunals of the country have declared such to be the right of Government, and the legislature is now invoked to ratify the case-made-law on the subject.

The case-law has already been referred to in my preliminary speech, and will be touched upon only briefly here before proceeding to the Bill itself.

In No. I of 1062 of the Royal-Court of Final Appeal it was held that the Sircar has the power of interfering in the affairs of public institutions, under the control of hereditary trustees, in cases of gross neglect of duty or misconduct, and of assuming the management of such institutions, without recourse to law, if that course is necessary in the interests of such institutions. In the course of the decision, the Judges observed :—" We are not prepared to hold with the learned Judges of the High Court that the Government, in the first instance, are bound to seek the aid of the civil courts, to exercise this power. Any member of a community to which a religious institution belongs, has the power to remove even an independant hereditary trustee with the aid of the civil courts (I. L. R. III Bom.; page 27, III All., page 636 and T. L. R. Vol. VII page 63). Reason points to the conclusion that the Government, which is *parens patriæ*, must possess higher powers than those of its subjects. We think that the executive, on being satisfied of the existence of strong grounds for its interference, may assume the management of public

trusts, without prejudice to the rights of the aggrieved parties to obtain redress for wrongs committed upon them, by an appeal to the judicial tribunals in due course of law. , The best interests of public trusts require that the Government should possess this summary power. If it is obliged to remove by suit every defaulting trustee, the consequence would be very serious to the interests of religious institutions."

This power, declared by the highest Court in the land to belong to Government, is now taken under section 5 of the Bill. *The cases in which Government may assume management of an endowment under this Bill are detailed in that section. ,* Excepting the most dishonest and the most reckless trustees or managers, no one can take exception to the conditions imposed by this section. So far as the interests of the present managers of the endowments are concerned, the grounds for Government interference and assumption of management are most reasonable and fair. Gross negligence or misappropriation of trust funds has been the *raison d'être* for Government interference in the past, a customary law which has since been recognised by Courts and is now made the basis of action for the present Bill. The other cases pointed out in the section are equally valid grounds for Government interference and action, viz., where an application is made in that behalf by the trustees or donors, where Government already exercises a partial control in the management of the endowments by the appointment of certain officers or servants in them, and lastly where Government have succeeded to the right of management wholly or in part by reason of escheat of trustees.

The propriety of these conditions being taken as justifying grounds for Government interference and assumption of management will, it is hoped, receive universal assent.

new rights. Legislative sanction is now sought for an undoubted right which Government already possesses and which is inherent in it as *parens patriæ* of its people. No well-organized Government can divest itself of responsibility in the matter of the administration of public trusts, in which so immense a quantity of wealth is involved and upon the proper administration of which so much of the public welfare depends. The judicial tribunals of the country have declared such to be the right of Government, and the legislature is now invoked to ratify the case-made-law on the subject.

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The propriety of these conditions being taken as justifying grounds for Government interference and assumption of management will, it is hoped, receive universal assent.

But I have heard it stated, to my great surprise, as a dogma of what I should designate as fashionable ignorance that Government institutions themselves are not perfect, that Government management of their own temples and charities are not unexceptionable, that Government management of the religious and charitable endowments comprised by this Bill will not be a *panacea* for all ills, that the present management by private bodies of these institutions is very excellent and should be taken as models for Government officers to follow in the management of Sircar temples and Sircar charities. It would have been hard for me to believe, knowing as I do from long personal experience the condition of Sircar temples and non-Sircar ones, I say impossible for me to believe in the possibility of such a statement being made by any one acquainted with the country, if I had not actually heard and seen such statements made to me by some of my correspondents. Pause for a moment to consider what is the real condition of Sircar managed institutions and those managed by private bodies. Take any temple assumed in 983 M. E. by Colonel Munro, the then Dewan-Resident. There was a settlement of gardens in 993 M. E., another in 1012 M. E. and a full settlement of gardens and lands now going on throughout the State since 1060 M. E. In almost every case, the rental of the properties of every endowment has increased by either 25 p. c., or 50 p. c. or more. The properties themselves are intact and are increasing in value every year. They are in the hands of ryots regularly paying dues to the Devaswams, as upon Government lands to Government itself, and there is no likelihood in all human probability of either the properties or their rental diminishing in value in the near future. But, on the other hand, take any temple managed by private bodies. In the majority of cases most



of the properties have been alienated. Sometimes the *nichavarom*-rents have been sold and even the right of trusteeship itself is mortgaged or heavily encumbered. The collection of the rents is a tardy and cumbrous procedure requiring the aid of civil courts, and hence seldom satisfactorily done, and where the tenants are honest and law-abiding, as is often the case in our country, the rents if paid, do not reach the temple coffers, as they are generally divided between disputing *Ooranmakars* or the temple-trustees and servants. The ceremonies in such temples are never gone through systematically or regularly. There is no fear of check or control. The public opinion of the village is ineffectual. The temple-doors are seldom open, the *nivadyoms* and *poojas* are defunct. Even the officiating *santicaren* is not paid his wages. Sometimes the temple properties are attached by civil courts and sold for payment of servants' wages. As if all these were not sufficient evil unto the day, there is the element of wrangling and strife, continually going on, between the managing trustees, and a constant stream of litigation flowing into courts, courts both of which causes act as a permanent drain upon the temple revenues. I have in my hands a list of 51 temples and charities in Travancore owning much wealth, where mismanagement and deterioration of the kind depicted above have been going on for years, and it is the opinion of well-informed people that the condition of these institutions will be past rescue, if Government action comes too late.

On the other hand, what is the worst thing that can happen in a Sircar-managed institution? Some petty peculation within the sanctioned '*Paditharam*' (*Dittom*) of the day's or monthly expenditure. I do not mean to say that it would not be better if such petty peculation and corruption were altogether abolished from our temples and charities, but

State to other institutions suffering from neglect or mismanagement. No Departure from any established usage or principle of this Government is intended. There is no analogy, therefore, between what was attempted to be done in British India and what this Bill proposes to do.

There seems to be a general apprehension that assumption of management by Sircar may lead to the incorporation of the properties of those endowments with the public revenue. This is wholly unfounded. Such is not the intention of Government; and I beg to invite the attention of the public to section 9 of the Bill which lays down:—"Our Government may withdraw their management of any endowment so assumed and return the same to the original trustees or their heirs. If they are satisfied that such a measure will protect the interests of the institution." In my recent circuit to South Tarvancore, I understood that it was also generally feared that Government will appropriate to itself the savings of the institutions assumed by them during the time that such institutions are under their management. This is another meaningless fear equally unfounded, as it is not clear how there could be savings in an institution *assumed* under the Bill on the ostensible ground of *mismanagement* and *misappropriation* of funds by present trustees. It is enough, however, to assure the public that such is not the intention of Government.

I will next invite your attention to the principal sections of the Bill.

Sections 2 and 3 define what institutions are meant to be comprised by the Bill.

I have found it as the result of my inquiries that there is an almost universal feeling in the minds of the public that

to add further testimony to the weighty evidence already presented to this Council on the point, I beg to refer you to the following opinion of Sir Alfred Lyall who has made a life-long study of Indian question. He writes:—"The immediate authority and close supervision of a monarch over the powerful religious interests with which he has to reckon at every step is a matter of political expediency, not an affair of doctrine or opinion, but a recognized duty of the State" This salient principle received emphatic support at the hands of the Madras Government in their letter No. 73 dated 26th May 1894, in which they observed:—"His Excellency the Governor in Council has no hesitation in expressing the opinion that the policy of severing all connection between Government and the religious institutions of the country which was enunciated in 1839, given practical effect to in the following three years and invested with legislative authority in 1863 was a grave error."

I am aware that the Government of India hold a different opinion. In their order dated 7th February 1900, they disallowed the Devasthanom Bill submitted by the Madras Government, on the ground that it "departs from the principles laid down by the Government of India in their letter of the 7th September 1894 and still maintained by them." It is not for us to question the wisdom of the policy of the august Government of India as laid down in that despatch, or to controvert the arguments which have found favour with them for sticking to their long-formed resolution of strict non-intervention in the management of the religious institutions of the nation; but I need not say more than this, that this Hindu Government of Travancore are managing certain Hindu religious and charitable institutions, that this Bill simply seeks the extension of the benefit of the existing policy of the

State to other institutions suffering from neglect or mismanagement. No Departure from any established usage or principle of this Government is intended. There is no analogy, therefore, between what was attempted to be done in British India and what this Bill proposes to do.

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I will next invite your attention to the principal sections of the Bill.

Sections 2 and 3 define what institutions are meant to be comprised by the Bill.

I have found it as the result of my inquiries that there is an almost universal feeling in the minds of the public that

*all* the Hindu religious and charitable endowments in Travancore should be brought under the protection of the law. About 85 per cent of my correspondents have expressed themselves in favour of including *all* endowments, whether large or small. They strongly deprecate the exclusion of any endowment, on the ground of smallness of its endowed fund. In the words of Mr Sivasubrahmaniam Pillay B. A., an experienced High Court Vakil of South Travancore—"Every endowment should be brought under the scope of the Bill, irrespective of the value thereof. Endowments are made by persons with a view to secure spiritual benefit, and admittedly it is the duty of Government to carry out the intentions of the donor and to conform to his wishes as far as possible. There is no reason for saying that only rich men's souls should be saved, and those of the poor donors should be left in the cold. Spiritual benefit is the same in prince or peasant. I would, therefore, bring *Thanneerpandals*, *Chumaduthangues* and *Vazhiambalams* &c. under the Bill. The *Thanneerpandals* form a numerous class as charities and in some cases, say at Kumaracoil near Padmanabhapuram, at Mandakkad, at Suchindram during festive occasions, the relief they afford to tens of thousands of people is simply incalculable. The existing charities should be maintained and those in disuse should be resuscitated."

I will not trouble the Council with more than one other quotation, and that is from a distinguished former Chief Justice of Travancore, a gentleman well known in this part of India for his high juristical attainments, I mean Mr. T. Chellappa Pillay, B. A. and B. L. of Jaffna. He writes:—"All kinds of religious and charitable institutions having funds for their up-keep should, irrespective of their value, come under the operation of the Regulation. The Sovereign should extend

his protection to every charitable institution, however insignificant it may be. The aggregate value of several endowments may be very large. If all belonged to the same institution, they would certainly come under the operation of the Regulation. Why should not they, simply because they are scattered over different parts of the country?"

On another point viz, the mismanagement of temple funds, Mr. Chellappa Pillay writes thus as the result of his own personal experience:—"In Travancore, I have personal experience of the temple at Anantanarayanapuram near Alleppey, whose annual income is said to exceed half a lakh. The quarrels among the Adhikaries ended in a suit filed in the Alleppey Zillah Court about the year 1045. When the suit was filed there was not a cash in the treasury of the temple. The daily pujas &c. were performed by borrowing. At the end of five or six years, the receiver appointed by the Court had in his hands between one and two lakhs (I speak from memory.) Can there be stronger proof than this of the mismanagement of temple funds?"

.It is, therefore, deemed desirable to apply the provisions of this to *all* religious and charitable endowments of whatever value.

The object of the proviso to section 2 is obvious, and will be acceptable to the public. It is not intended to bring any *private* temples under the operation of the Bill. They will be excluded on the ground of there being no dedication to public. The remarks of Sir T. Muthuswami Aiyer's Committee are specially valuable on this point. They wrote:—"Private temples are not placed within the scope of the proposed Act. According to the definition given in the draft Bill, a temple is a place of religious worship 'dedicated to or used as of right by the Hindu community or any section

thereof.' It cannot be held that private temples have been dedicated publicly and formally to the Hindu community or even any section thereof. They are places of worship for the use of particular families, and this, their essential character, is in no way altered even though persons not belonging to these particular families may be permitted to worship in them. Neither Regulation VII of 1817 nor Act XX of 1863 takes cognisance of private temples. We have no reason to doubt that, with a careful local inquiry, it can be ascertained whether a temple is dedicated to the public or not. That there are such private temples is a matter that admits of no doubt and we have thought it improper to recommend that private temples should be brought under control for the reason that practical difficulties may crop up in distinguishing private from public temples." "Many of the temples in the Malabar District are claimed by the rajahs or ooralars to be private temples and, if such claims are valid, these temples, according to our definition of the word temple, lie outside the scope of the Act. All the other temples, *i. e.* all such as are not claimed to be private temples, fall within the category of public temples managed by hereditary trustees. In the case of these temples, there is a clear necessity for providing safeguards against abuse of trust, and there is no valid ground for drawing a distinction between them and other temples of the same class in other districts of the Presidency."

Section 4 does not require any explanation. Section 511 of the Civil Procedure Code (Regulation II of 1065) will not apply to the endowments dealt with by this Regulation, as the special procedure laid down here will obviate the need for civil litigation, which is not only tardy and cumbrous, but ruinous to the interests of the endowments themselves in every way.

I will pass over section 5 as a full reference has already been made to it. Even the most peccant trustee will see the fairness of the 'conditions imposed by this section.

Section 6 will satisfy the public that Government does not mean to take any hasty steps in the case of even the most grossly mismanaged endowments. On representations or informations received of the unsatisfactory working of any institution, the Dewan will make inquiries through a responsible officer of Government not inferior in rank to that of a Dewan Peishcar, and act on such report if Government is satisfied that assumption of management is necessary. The enquiry will be conducted under the provisions of Regulation VI of 1073. This will be another guarantee that well-conducted endowments under their present private agencies will not be transferred to Government management, except after earnest and serious deliberation. The fact of assumption will be notified in the Government Gazette, and in four weeks after the notification, the management, will vest in Government. On such assumption, these endowments will, in every way, be treated exactly as those at present under Sircar management are.

Sections 7 and 8 indicate the manner in which the *assumed endowments* will be dealt with by Government after assumption. They will be administered either by officials appointed for the purpose or by committees consisting of officials and nonofficials. Some necessary qualifications are indicated to entitle a man to become member of committee of management. The Council will not require any explanations from me on these qualifications, which are obviously necessary. In case of management by committees it is laid down that a committee member shall hold office for 3 years, unless he is removed or resigns. The cases when he may be



continued absence or wilful neglect, on the part of members. A large proportion of meetings in the Educational Boards and Town Improvement Committees of Travancore have, year after year, failed for want of a quorum, which undoubtedly means, in the majority of instances, extreme unwillingness or indifference to the duties, pertaining to their memberships. I was informed that 95 per cent of the Educational Boards' meetings failed in one year on this account. Though I cannot assure the Council to what extent this information is reliable, it shows one thing clearly, that our people do not yet quite realize the responsibility of rendering honorary services. It is no use to have a committee of honorary members with duties of an important nature to discharge, on the understanding that the members cannot be called upon to do any work. I have been told that with this punitive section, no man will be willing to become a member of a committee under this Regulation. My answer would be, "Be it so. We shall have no committees." But I am firmly convinced that it would be worse than useless to have committees which would not meet 95 times out of a hundred convened for conduct of business in a year. This Council of ours, I am glad to say, has not suffered even for once during the last 12 years for want of a quorum though its members, official and non-official, are all busy men engaged in various avocations of life, because no member of this Council has ever been absent from its meetings without just or lawful excuse. When we have committees in the morass, it should be our aim to call in the services of earnest and public-spirited citizens who would delight to render yeoman services to the institutions in their neighbourhood, as far as lay in their power. This unwelcome section will then remain a dead letter. The provision is taken from the Ceylon Ordinance

No 3 of 1889, in a slightly modified form. Section 39 of that ordinance lays down that a member "shall forfeit for such first-mentioned act of refusal the sum of twenty rupees."

Section 16 enables the Dewan to call upon trustees or managers of other than assumed endowments, to submit from time to time accounts of income and expenditure; list of properties, jewels, vessels &c., of the endowments under their charge and to depute for examination and scrutiny officers of Government to satisfy itself that such endowments are being efficiently and honestly managed, and that no necessity exists in their case, to adopt the drastic remedy of Government itself assuming the management, as provided for in this Regulation. It is firmly hoped that this provision will act as a wholesome check on the tripping managers and trustees of a numerous class of valuable endowments.

The necessity for section 17 will be clear to the Council, for the Bill is made as *concise* as possible and will have to be supplemented by rules which under the section, the Dewan can frame from time to time. He can also prescribe the necessary forms for accounts, statements and returns, to be submitted by trustees, officers or committees under this Regulation.

Whatever the defects or incompleteness of the Bill, it will not, I hope, be denied that no pains have been spared to study the past or attempted legislation of British India on the subject, or obtain the opinions of competent persons both in and out of Travancore. The British Indian Acts VII of 1817, XX of 1863 as well as drafts of Sir W. Robinson's Committee Bill, the Madras Bill of 1887, the Honorable Sir T. Muth-swamy Iyer's Committee Bill, the Honorable Kalyanasundaram Iyer's Bill, the Honorable P. Ananda Charlu's Bill, and the Ceylon Ordinance No. 3 of 1889, were consulted in this

connection, and the opinions of 325 persons were invited on a series of questions framed specially for the purpose. Only 89 gentlemen have favored me with replies, of which 22 replies are in English and 67 in Malayalam. The 89 consist of 2 noblemen, 30 officials, 8 vakils, and 49 private gentlemen. Of this last class, excluding ryots, farmers and small land-lords, I find 10 are Jenmis of more or less importance in the country, 8 being Brahmin dignitaries and 2 Madambimars. The Council will be pleased to know that all these 10 Jenmis are unanimously agreed in thinking that some sort of Government supervision and modified interference in the management of these endowments is absolutely essential in their interest. At a future date, the substance of these views may be collected and placed before the Council as an aid to our future deliberations.

A wish has been expressed in some quarters that it is desirable to include Christian and Mahomedan endowments of a similar nature under the Bill; but it is considered more advantageous to take them up later on, should such legislative protection be deemed necessary for them by the members of those communities themselves.

In concluding these remarks, I beg to point out that it is only an enabling measure that is attempted here, under which Government may act as necessity arises; let us hope that the necessity may never arise for Government interference under this law, that erring trustees will take the hint and administer the important and valuable endowments under their charge with an eye to their prosperity and the welfare of the beneficiaries under the trusts, that the honest and well conducted trustees will see in this piece of legislation a recognition and reward for their past meritorious services and a legislative commandment to their neighbours to follow their

noble example and do likewise, that the souls of the departed donors may rest in peace in the satisfaction that their beneficence is maintained and perpetuated, that future benefactors might feel prompted and encouraged to follow in the wake of the illustrious dead and help their lesser countrymen, in the firm confidence that trusts once created will remain intact and cared for, for all time to come, and that thus the general prosperity of the nation might develop and increase in every way."

Mr. Nagam Aiyā then proposed that the discussion of the principle of the Bill be postponed to the next meeting.

The motion was put and agreed to.

## HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS BILL

Mr. Nagam Aiya:—The third stage, Sir, of my Bill having been now reached, I will, with your permission, make a few observations before asking the Council to affirm its principle. It will not be denied that the public have had the fullest notice of the Bill and have had the amplest opportunities of understanding its scope and provisions. Local opinion has been sought on the measure to the fullest extent possible, and those who have not favored us with their views until now, are not likely to do so under any circumstances, and with your permission, Sir, the opinions of eminent authorities outside Travancore were also sought and secured and I take this opportunity of thanking those gentlemen who, although outside the sphere of our influence and totally unconnected with our labors, have yet sacrificed time and trouble in our behalf and in what they consider the cause of sound and beneficial legislation in Travancore. The opinions so collected are extremely encouraging, and, so far as the principle of the Bill is concerned, may be said to be practically unanimous. These opinions will be briefly referred to.

I will first deal with the vernacular opinions or those submitted in Malayalam, the English language being entirely unknown to the signatories. There are 39 such papers in all (opinions and petitions included) received on the Bill after it was introduced into the Council 7 months ago. Of these 39 papers, 31 are in favor and the remaining 8 may be said to oppose it. The letter of the Edappali Chief which is included in the above 39, merely prays that the temples in his Yadavagai or estate may not be brought under the Bill. Two

petitions, included in the above said 39 papers, pray for more time being given for consideration of the Bill. Of the 8 dissentients, 4 are petitions from Malayala Brahmin jenmis, 1 is from the Ambalavasis of Thazhakkara in Mavelikara, 2 are opinions of individual jenmis and 1 is from a Nair Vakil of the High Court who at first seemed to be very much taken up with the intended legislation, but who has, under wiser counsels perhaps, since recanted. Excluding this *Judas Iscariot* from our consideration, there are 7 papers which I have carefully scrutinised. The Council will not expect these innocent Namboories to draw a fine line of distinction between the principle of a Bill and its provisions. That is a distinction known only to the learned few.

One of these 7 papers said to proceed from a Nambooripad says, that as Government already posses the power to assume any Hindu Religious or Charitable Endowment, no special law is needed; that if Government takes power under the law to assume any Hindu endowment, they should similarly take power to assume other non-Hindu endowments as well; that the *acharoms* of the people as a whole require modification and improvement in several particulars; and that the condition of some mis-managed endowments will not justify Government to take power to assume any endowment.

Another paper proceeding from a Potti of Vembryom urges that many temples assumed by Government since 980 M. E. are not themselves well-managed; that the Bill contemplates only the protection of temples now being well-managed, that the present non-Sircar temples, having been declared independent of Government when the other temples were taken, should be allowed to continue as such; that it is unfair to prohibit suits against Government which might arise under the operation of the law; and that his reason for

most of them seem to be laboring under one mistake, shared in even by those who ought to know better, that private temples will be declared to be 'public' and that Government is determined to assume all endowments whether public or private, without any reason or justification—two ideas, both of which, as the Council well knows, are wholly foreign to the spirit of this Bill

*Per contra*, the opinions of the supporters of the Bill will next be referred to. Out of the 28 papers, received in support 18 are from Namboori Brahmin jenmis, 3 from Paradesa Brahmin land-lords, 5 from Ambalavasies, one from a Sudra dignitary and one from the Konkanasta Brahmins of Ambalapuzha Porakkad. As they all welcome the measure, pointing out specific instances of mismanagement and misappropriation of temple funds, I do not think it necessary to dwell further on the details of their opinions. It is enough to observe that they are unanimous in supporting the Bill, and that they *represent* the mass of Namboori and Ooralar communities whom the Bill will affect, and who, therefore, speak with the authority of personal and local knowledge of the circumstances of the endowments it deals with. Every one of the signatories in the above 28 papers is either a Tanthri himself, or an Ooralen, or a Karanma, or a Sthanika of some temple in North Travancore, and cannot, therefore, be accused of a mere academic interest in the matters of which he speaks. Their representative character may be gathered from the following details of some of the signatories

One is Puthumana Damodaran Nambooripad of Ampalapuzha, a gentleman personally known to me for about 20 years and his testimony is particularly valuable to the Bill, as he is the Tantri of the important Sircar temple

at Ampalapuzha and of more than 50 non-Sircar Ooralma temples in the State besides. He is a middleaged, calm, and thoughtful-looking sort of person, and in knowledge of the condition and wants of these temples or their properties, he is probably unsurpassed by any other Namboori dignitary in the land. The aged Potti of Ongalloor, said to be 82 years old, and himself one of the Ooranmakars of the Payippaud temple in Changanaseri, bears unmistakable evidence as to the deterioration of numerous temples with in his own personal knowledge owing to the want of check or control and the necessity for a law of the kind now thought of.

Here is the evidence of one Narayana Mangalathu Moothathu, one of the Ooranmakars of the Trikkudithanam temple, said to be one of the temples founded by the Pandavas in Malabar. He writes:—"There were more than 2,000 paras of paddy lands and 160 compounds belonging to this (Trikkudithanam) temple. More than three-fourths of the properties are alienated. The present income will be just sufficient, if properly cared for, for its bare maintenance. But owing to the difference of opinion among the managers, the income is wasted." "The incomes derived from the trust-properties are not utilized for the purposes of the temple. The affairs of the temple were managed by my family and by the Samudayam and Koimas appointed by the Pazhoor Mana. There were no competent persons in my family and, therefore, the management of the temple was taken up by the Ooranmakars, though they had nothing to do with the temple formerly. The present manager is Ayeradathu Potti. Koimas and Samudayams do not now exist, but expenses on that item will be found in the account."

"This institution is enriched by the bounty of rich citizens. There is provision made for Dwadesi namskarams



and other charities. The sreekoil, mandapom, dhvajam &c. are constructed by the karakars. If such a rich institution as this is governed by proper managers, this will soon reach a prosperous condition

“When the present Bill becomes law, it will be a source of protection and safety to all the endowments of the kind.”

Mathor Paniker, a Sudra of the first rank and possessing high privileges and large estates, is another valuable witness, who writes:—

“Private temples are rightly excluded from the scope of the Bill. Temples which are established by a group of families for their own use may also be included in the category of private temples. All other temples are meant for the use of the public in general. Their managers look after the affairs in the capacity of trustees. The arrears of pattom in these endowments cannot be collected according to the provisions of the Bill as Government arrears of tax. But civil suits must be made to collect such arrears as Government dues.

“The period of limitation to these properties must also be the same as that allowed to Sircar properties.

“The Ananda Narayanapuram temple at Alleppey and Takazhy temple have lost most of their properties. Champakulam, Koyikaray and Chanayathukavoo Bhagavathy temple have been completely blotted out of existence.

“If a law of this kind had existed in the past, these charitable endowments would not have incurred such losses as they have already incurred.

"This Bill will be greatly acceptable to the public. If any body raise any objection, it is because he is ignorant of the wishes of the people. It is admitted by many that this Bill will be beneficial to a great number of people."

I will pass over the opinions contained in the other vernacular papers and proceed to a brief consideration of the English opinions received. The best support to the Bill comes from them; and though a large number of my valued correspondents will disclaim knowledge of any local conditions or local circumstances, the Council will remember that there is nothing special or local in the creation of trusts for religious or charitable purposes, such not being confined to any nation, age or clime. So, the administration of trusts as the incumbent duty of the Sovereign has been recognised by the law of all civilized nations, both in the past and the present. And my correspondents, as men of culture and experience gained from their life-long careers as statesmen, judges, civilians, revenue officials, or lawyers, both in and out of Travancore, are most fitted to speak on the subject, with an authority which cannot be disputed, and the Council will be gratified to learn that the volume of such opinion secured in our support is strong and irresistible, thus showing, on their part, that the cause of these ancient and valuable endowments is dear to them, no matter at what distance situated or under what different sovereignties. To this chorus of valued and weighty opinion in support of the Bill, there is however, one notable exception, and that is the memo of Mr. Shungrasobyer, C. I. E., the late Dewan. I have studied this opinion carefully and have been astonished at the curious jumble it contains of pedantry, patriotism and extreme socialism. And if I did not owe some regard to the distinguished position which he held in His Highness' service, I should have altogether discarded

it from notice and spared the Council the labour of listening to a refutation of his worthless criticisms. But as it is, I may be expected to refer to the memo, and I will just refer to one or two of his statements. The minor points of difference will be passed over.

Mr. Shungrasoobyer has come to the conclusion that "the Bill is objectionable in principle and that it is unnecessary, inexpedient and impolitic," a conclusion which is by no means formidable, for Mr. Shungrasoobyer is, after all, not a professional lawyer but a layman like myself. And when to this fact is added the circumstance, that this piece of legislation has been started at the instance of our learned President, whom the erudite Mr. Chellappa Pillay styles as our 'Jurist-Dewan'; and when the Council remembers that the learned Judges of our High Court observe that "the object of the proposed legislation, viz. the better protection and proper administration of Hindu Religious and Charitable institutions, must commend itself to every right-thinking man and is likely to command the sympathy of all Hindus." "Whatever difference of opinion there is or may be" they said—"there can hardly be any as to the cardinal principle affirmed by the Bill, viz. that it is the undoubted right and duty of the Government or Sovereign power to interfere in the affairs of these institutions, whenever such a step is found necessary for their conservation and protection"; and when it is further known that, amongst the supporters of the Bill, are such honored names as those of Mr. A. Sashiah Sastri, C. S. I., the Honorable Sir. S. Subramony Iyer, K. C., I. E. the Honorable P. Rajaratna Mudaliar, Dewan Bahadur, C. I. E., Mr. V. P. Madava Row, C. I. E., Mr. Kerala Varma, C. S. I., Valia Coil Tamburan, Messrs. T. Chellappa Pillay, B. A., B. L., Dewan Bahadur Reghunatha Rao,

Romesh Chunder Dutt C. I. E., T. Vedadrisadasa Mudaliyar, Honorable C. Jambulinga Mudaliyar, Rao Bahadur B. A. M. L. Mr. Rai Hukum Chund M. A., Mr. Rai Bahadur Srinivasa Charlu (Superintendent of Charitable Institution, Mysore), Mr. M. R. Ramakrishna Iyer, B.A. B.L. F.M.U., and Mr. K. Kuruvila B. C. E. the Council will readily recognize that Mr. Shungrasoobyer's opposition is not only *impotent*, but quite *innocuous*.

Mr. Shungrasoobyer writes: "Statements of mis-management, mis-appropriation, fraud &c. in the case of trusts of the kind under consideration are readily made. But their authors seldom stop to analyse. Impressions formed from hearsay, from appearances, or hasty generalisation, may lie at the bottom", and then, in the same breath, he says, "there is no denying the fact of deterioration which is a common feature with all these old institutions". "The alienation of temple properties, nonrecovery of rents, irregularity in the performance of poojahs and other ceremonies, servant's wages falling in arrears, frequent civil suits, enforcement of decrees effecting michavaroms, all these portray the course of deterioration going on." These contradictory statements appear to me to be extraordinary. If the deterioration is a fact, as testified to by himself, I wonder what need there can be for "a regular, systematic and open local enquiry" of which he speaks. As regards the enquiry and the nature of the Data furnished by me in previous speeches, I will quote Mr. P. Chellappa Pillai's words. He writes, "Mr. Nagam Aiyer has at great pains done what a Royal Commission in England did in 36 years at a cost of 2,40,000 (17, Jurpart II, page 113). Any further enquiry will, I think, be a mere waste of time and money. Mr. Nagam Aiyer's enquiries have elicited the fact of gross abuses prevailing in many of the temples."

With regard to Mr. Shungrasoobyer's astounding statements, that "at no period, I think, the outside public ever care to know the internal economy of these institutions. Much less would they interest themselves about them *now*, when a change has come over the spirit of the times. The mover draws a vivid picture of the decline of the temples managed by private bodies, and, as an illustration, mentions the Ooralma Devaswom at Thrivikramangalam." "The Ooralma temples have suffered. They are in decay. Quite true. But has the community or any section thereof suffered? Is the State worse off on that account? Has the social, industrial, economic or intellectual progress been thereby retarded? The Thrivikramangalam Devaswom is in a bad way. But which man or woman residing in the neighbourhood is really affected or aggrieved?", with regard to these statements, I beg to draw the attention of the Council to the following forcible remarks of the Honorable Rao Bahadur Jambulinga Mudaliyar, B.A.M.L., which I quote from his Note on the Bill. He says:—"Judged, therefor, from past experience, whether in British India or in Travancore, an efficient supervision and control over the management of trustees seem to be essential to keep them straight. Doubt has been expressed whether it is necessary at all to take notice of the condition of these institutions and whether it would not be well to leave them severally alone to take care of themselves. In one of the criticisms on the present Bill, I see it stated: 'The Ooralma temples have suffered. They are in decay. Quite true. But has the community or any section thereof suffered? Is the State worse off on that account? Has the social, industrial, economic or intellectual progress been retarded thereby? The Thrivikramangalam Devaswom is in a bad way. But which man or woman residing in the neighbourhood is really affected or aggrieved?' I do not

know what following these views have in Travancore. All I can say is that these are arguments in favour of the gradual extirpation of all Hindu religious institutions as useless appendages of Hindu society. It does not seem to be quite relevant to consider whether the State will be worse off on that account or whether the social, industrial and other such progress will be retarded. I do not believe that Hindu society has so far advanced in iconoclastic ideas as to favour the extinction of its hoary and time-honoured religious institutions, nor do I believe that such a time will ever come. So long as the beliefs and affection of the society are centred in those institutions and so long as they are not of positive harm and mischief to the State, it seems incumbent upon the State to adopt suitable measures to protect them from ruin, a condition that would wound the tenderest susceptibilities of their votaries. This seems to me the stand point of legislation and administration. Further, the State cannot afford to be an indifferent spectator to the systematic practice of fraud and corruption by the uncontrolled trustees of public money, without incurring in public estimation the obloquy of unfeeling inattention to the people's welfare, and it cannot safely permit the wholesale contamination of the sanctuaries of public devotion with the vice and peculation of their venal officials." "A close adherence to the forms and models of British Government in all matters, without consideration of subjects and circumstances is not, by any means, essential to the progress and well-being of Native States. I fully appreciate the force of reasoning in the following sentences of Mr. Nagam Aiyar:—'This Hindu Government of Travancore are managing certain Religious and Charitable institutions,...this Bill simply seeks the extension of the benefit of the existing policy of the State to other institutions suffering from neglect or mismanage-

ment. No departure from any established usage or principle of this Government is intended. There is no analogy, therefore, between what was attempted to be done in British India and what this Bill proposes to do ' I would go further and say that even if the Hindu Government of Travancore were not already managing some such institutions, and they now contemplated to assume jurisdiction for the first time, they would be within the sphere of their proper functions, as they would be acting in consonance with the best and time-honoured traditions of all Hindu Governments "

Mr. T. Vedadrísadasa Mudaliar writes on the same point thus:—"An orthodox Hindu is taught by his religion to believe that by doing some charitable act to help his neighbours in any way, he benefits his own soul as well as the souls of all the departed members of his family. This charitable act takes many and various shapes. Temples for public worship and choultries for the comfort of travellers are the most important institutions generally adopted. The original donor invariably makes provision for these institutions and entrusts his surviving heirs or friends to conduct the charities after his demise. If these people who are the trusted trustees fail to carry out the intention of the donor, it becomes the duty of the Sovereign to interfere. According to the Hindu sastras, the relation between the Sovereign and his subjects is such that, according to the sastras, the Sovereign becomes liable to bear a share of the good or evil committed by his subjects. Hence, the need for Government to interfere and protect the charities created and endowed by the subjects of the State. Its right to do so cannot be questioned even for a moment.

" The British Government, in the earlier days, supervised all the temples in their districts under Regulation VII

of 1817. It was only about the year 1841 or 1842 that, under some religious scruples, or for some reason best known to them alone, they disconnected themselves from the management of the religious institutions. As a matter of course, those institutions became badly managed and have suffered much ever since. I may also safely say that it is the opinion of the aged and highly experienced orthodox Hindus, that ever since the period of that disconnection, poverty and distress of some kind or other has prevailed and people have suffered in various ways. As remarked by a European, high in office, the mismanagement of those institutions has scandalised public feeling. Hence, no one who is a real Hindu following the precepts of the Hindu religion will hesitate, even for a moment, to welcome the introduction of the Bill under consideration, unless his mind labours under some strange ideas or misapprehension."

The Council will be gratified with the following statement of Sir Arthur Gordon—now Lord Stanmore—when he, as Governor of Ceylon, addressed the Legislative Council on the opposition which was being set up to the 'Buddhist Temporalities' Ordinance. Sir Arthur said: "To some, no doubt, this measure will be distasteful. It will be so to those who wish to let things alone, and allow everything to remain on its present footing. Two classes of persons combine in desiring this, though for very different reasons. That the majority of such priests as are incumbents of Vihars, who gain by the existing state of things and who will be deprived by the Ordinance of their present absolute control of the goods of their temples, should oppose this, or any other reform, is natural and intelligible, and needs no comment. But many of the strongest enemies of Buddhism also desire abstinence from all legislative intervention, being aware that existing abuses throw an amount of discredit on the



'Buddist clergy, from which they do not desire to see them freed; and perceiving that if things go on as they now are, the pecuniary resources of the Buddhist monastic establishments, which they desire to see exhausted, will not long hold out I confess it appears to me that, to refrain from interference for such reasons, is neither just nor moral."

I wish the Council to note that these words were uttered by a Christian Governor of a Colonial Province. It is not clear to which of these two classes of persons Mr. Shungrasoobyer belongs.

Again, Mr. Shungrasoobyer remarks:—"Speaking of the religious institutions managed by the Ooralers, they are known to be of ancient origin and of private foundation. The succession to their management has been perpetual by *inheritance*." Mr. Jambulinga Mudaliar answers this statement when he observes:—"Hereditary trustees and appointed trustees, all must submit to these conditions, as there can be no hereditary or prescriptive title to swindle and mismanage public trusts."

Mr. Shungrasoobyer says: "No spontaneous representations are even known to have emanated from the public." To this it is a sufficient answer to say that the President wrote to me, about 15 months ago, thus:—"Every day I receive complaints of mismanagement of private pagodas. Now there is no written law empowering any authority to assume management and prevent waste. Necessity for legislation on this subject is becoming very pressing."

Mr. Shungrasoobyer thinks that private charities should be exempted from the Bill. It is difficult to see what he means by private charities. An object is charitable if it promotes public utility, or if its observance would lead to

a public advantage. Mr. Shungrasoobyer only instances water-sheds or thanneerpandals as private charities. These will not be included in the present Bill, not because they are private, but because they are not "charitable endowments." He also takes exception to the proviso to section 2, containing the definition of a "private temple" which he calls 'arbitrary.' He contends that the fact that neighbouring people are allowed to use it does not constitute it "public." The section itself is clear and the proviso unnecessary. In the case suggested, the neighbouring people do not enjoy it as 'of right.' The Bill provides that the assumed Devaswoms will be treated like those under Sircar management. According to Mr. Shungrasoobyer, the assurance is meaningless if it does not mean that the Government is to provide for their up-keep out of State funds. But the assurance has a meaning. Till the Government thinks fit to appoint a committee, the revenue authorities will exercise supervision, collect rents, and spend out of the income of the several Devaswoms. The unassumed Devaswoms are to submit returns to the Dewan. Mr. Shungrasoobyer asks, who is to look into them? This is a matter of detail and should be settled later on. But the returns, surely, are not without their use, as preventing subsequent falsification of accounts by the trustees.

From these futile criticisms of Mr. Shungrasoobyer's, I turn to the sage and statesman of Kumbhakonam, Mr. A. Sashiah Sastri C. S. I., who, with his usual telegraphic brevity, writes:—"As you put it, the Bill is intended only to enable Government to institute enquiries in cases of flagrant breaches of trust, and to take such steps as may to the Government seem called for. A general *enabling* law of this kind can do no harm to any body but those who have benefited by

the misappropriations *Mere inquiry*, if properly conducted and properly explained, into alleged *abuses of trust* cannot result in evil. It may, on the other hand, induce peccant trustees to set their house in order, to stave off unpleasant investigations of malpractices "

To this may be added the weighty support of the Honorable Sir S Subramony Iyer, K C I E, who writes — ' In a country like this where for ages it has been usual for endowments to be granted by the State and pay private individuals for religious and charitable purposes, it has from time immemorial not only been the right but the duty of the Sovereign to take proper steps for checking speculation and ensuring the due administration of the trusts. It is true that there is great disinclination on the part of the British authorities to legislate in the matter. But I have no doubt that that is due to their ignorance of the real wishes of the public with regard to further legislation about it. Unfortunately for us the Government of India seems to think that the general community is opposed to any such legislation. Whatever may be the case in other parts of India, it is impossible to doubt that in this Presidency all disinterested persons are anxious for the enactment of a more effective law, than Act XX of 1863. The attitude of our Government should not deter His Highness' Government from legislating for the better protection of endowments in Travancore.' "The principle to be kept in view, as you are well aware, is to leave due liberty to trustees in the carrying out of the charities, while devising a scheme of check and control that would enable persons interested in the trusts to get mismanagements put right without unnecessary cost and delay. I am looking forward with interest to what your Council is eventually going to do "

Mr. Romesh Chunder Dutt, C. I. E., the well-known Bengal civilian, now Lecturer in Indian History at University College, London, observes :—" I have read with much pleasure your speeches on the Hindu Religious and Charitable Endowments Bill of Travancore. The subject is one of great importance, and I am glad to find that the Hindu State of Travancore is dealing with it in an efficacious and statesman-like manner. You are, of course, aware of the difficulty of dealing with the subject in British territory. The opposition comes from two quarters. In the first place, orthodox Hindus naturally look with suspicion on any endeavour on the part of a christian Government to assume control over Hindu religious endowments. And in the second place orthodox Christians, too, look with disfavour on any steps taken by a christian Government to manage Hindu religious institutions. Any action in the face of this double opposition is best with danger." "No such difficulty exists in Travancore. The control of a Hindu State over Hindu religious endowments is recognized by our ancient scriptures, and sanctioned by ancient practice. Under these circumstances, I look with sincere pleasuse on the action which you and the Travancore Council have taken to ensure the proper management of religious endowments in Travancore, according to the wishes of the pious and charitable donors. Your very able speeches,—and specially the speech of June last,—are exhaustive and thorough, and leave nothing to be desired." "I do not wish to go into the details of the Bill; but I cannot conclude without adding one word in appreciation of the very commendable moderation with which you are proceeding. You make it clear that the Travancore Government only

The Honourable Mr. P. Rajaratna Mudaliar, Dewan Bahadure, C. I. E writes:—"I feel sure that the Bill will be most useful in improving the management of temples which is now far from satisfactory. It was my idea, however, that a legislative enactment was hardly called for in a Native State where the Government should not be deterred by any considerations of religious neutrality from exercising control over religious institutions in its executive capacity. In British territory, it is the cursed Act of 1863 that has caused all the mischief, and here, therefore, there is an undoubted necessity for a new law "

Mr. Kerala Varma, C. S. I., Valia Coil Tamburan, writes:-  
"The Bill, concise as it is, affords ample protection to those institutions from waste and misappropriation, and I fully support the measure."

It will thus be seen that legislation is necessary and that the principle of the Bill is sound and in this view, I trust, all right thinking men will agree. I have already indicated that the interests at stake are enormous, and that a policy of inattention or indifference will be unjustifiable, whether the vastness of the interests involved or the past action of this Government is considered.

I wish also to add that my interest in this piece of legislation is only as much as that of my brother members in the Council. I do not claim more.

Nor am I so hopelessly committed to the provisions of this Bill as not to be able to see that the collective wisdom of this Council may hit upon a better Bill, clearer and more complete, and in every way, unobjectionable. It is amply clear from the discussions on the Bill in the public prints, which, I acknowledge, have been, as a rule, most fair and

generous, as well as from private letters that misconceptions are general and that, therefore, modifications and amendments may be necessary. Even our learned High Court fall into the common error of believing, for which there is no foundation whatever so far as the Bill goes, that "the maintenance of the poorer institutions, when assumed by Government, would, in all probability, entail additional charge on the public exchequer, it not otherwise met." It would, therefore, be no reflection on the common people, if they are misled by scheming persons into believing that the Sirkar wishes to profit by the savings of the endowments. There are also other points on which differences of opinion may exist, as when the High Court remark that "the current orthodox conception in Keralam, including Travancore is that most of the Ooralma temples of the sort left untouched by the Sirkar in 993 are the property of the Ooralens, though devoted for public worship, or at least that they have substantial proprietary rights in the endowments of those institutions, and these orthodox popular ideas, erroneous they may be, have been strengthened by the action of the British authorities in Malabar, and of the Travancore authorities since the year 993 v. E."

Speaking for Travancore alone, I can confidently state that the temples left unassumed by Colonel Munro in the last century did not thereby acquire any special status of immunity or independence from Sircar supervision. The popular view on the point is clearly incorrect, as is the old saying 'that a man who went into a temple for a long course of Bhajanom subsequently claimed Ooralmaship in it' With regard to the distinction between private and public temples in Malabar, I have already drawn the attention of the Council to the remarks of Sir. T. Muthuswamy Iyer's Committee on them, and they are conclusive.

While section 13 of the Bill, which prescribes a fine of 10 rupees on a defaulting committee-member is considered obnoxious by several of my correspondents, one gentleman says it should be raised to 200 fanams or 25 Rs. Again, it will ordinarily speaking, be considered a great gain to the cause of local self-government, if a proportion of the committee-members as contemplated under the Bill, were *elected*; but so eminent a lawyer as the Honorable Sir. V. Bhashyam Iyengar Kt., doubts its ultimate value, for he says:—"The elective principle does not work very well even in British India. How it will work in a Native State like Travancore where there is so much exclusiveness in social life is a matter on which you can form a better judgment than myself."

Dewan Bahadur Reghunatha Rao would omit, in section 8, clause (2) the words "and embraces some other religion," 'as there will be hereafter' he says, 'a large majority of men professing no religion.'

Section 511, upon which there seems to exist a considerable divergence of opinion, may have to be retained or amended, as suggested by the High Court, in the interests of private rights, though it is difficult to see how that alone will meet all the requirements of the Bill, which include provisions of check and control over Devaswoms, as laid down in sections 16 and 17. The Council will remember that since Lord Romilly's Act which is the parent of our section 511 of the Civil Procedure Code, three Charitable Trusts' Acts have been passed in England viz., those of 1853, 1855 and 1860.

On this point, I will quote the opinion of Mr. M. R. Ramakrishna Iyer B. A. B. L., F. M U., an experienced Vakil of the Madras High Court who had been for 10 years, as he himself writes, "an active member of a Committee having over

200 temples under its control in one district." After giving his support to the principle of the Bill which he thinks "is necessary in our country and will prove highly beneficial," he observes:—"While I have advocated the retention of section 511 in the Statute Book, I do not think that, having regard to the characteristics, nature and habits of the people, a provision of the kind is sufficient to act as a deterrent against malfeasance and misfeasance on the part of the trustees. In this part of the country, we have had a similar provision for a number of years, and with the exception of a few rare instances, little practical good has come out of it in the way of checking mismanagement and malversation. Among our people of position (I do not refer to the educated section), there is disinclination to go to Courts even as witnesses, and such men have a positive repulsion to go as party complainants in matters which do not directly affect them though they feel that things are not what they ought to be. Whatever the reason, this enabling provision in C. P. C. has been practically found to be insufficient and that is the reason why the people of this Presidency, the educated and the uneducated have with one voice been demanding legislative help for checking mismanagement of religious endowments." He, therefore, suggests that, "section 511 of the Civil Procedure Code ought not to be repealed but should be retained. There is no harm in the Government or the proposed Committee and the Civil Courts having concurrent jurisdiction over trusts and trustees."

Mr. Rai Hukum Chund M. A., the talented Under-Secretary of the Hyderabad Legislative Council, in the course of a long paper on the subject, observes with regard to section 16:—"The very first essential for the exercise of the powers under the Bill is the acquisition by the Government of ful-



information relating to the private management of the endowments. You attempt to provide for the same in section 16, the first part of which relating to the accounts and the lists, on that very account, should, I think, be general and compulsory, and not dependent for its operation in particular cases on the discretion of the Dewan. In fact, the very submission of accounts and lists may lead to great improvement in private management, and may often avoid the necessity of the assumption of the management by the Government. The accounts and lists may also be ordered to be filed in District Offices, and powers of enquiry and report as to them, allowed at least to some extent, to officers in charge of districts. I am doubtful, however, whether non submission of accounts or lists should, as such, be made a special crime, as evidently the best punishment for it would be the exclusion of the trustee or manager in default, from management and, if necessary, the assumption of the management by the Government."

These are some, among the several points of differences of opinion, which will have to receive the attention of the Council.

In concluding, I may remind the Council that a great responsibility rests upon them. As our action here is, I am informed, being watched with keen interest, both in the model Native State of Mysore and in the premier Native State of Hyderabad, where similar legislation is desired.

With these remarks, I beg to move for the affirmation of the principle of the Bill.

Mr Kunhیرaman Nair —I need not occupy the time of the Council by any lengthy observations at this stage. Especially as my views on this Bill generally will be found

embodied ' in a memorandum submitted by the High Court to Government which, I believe, has as usual been circulated among the members of the Council. I do not oppose the motion for introduction of the Bill. I recognise the necessity for some sort of legislation for the better protection of the religious and charitable institutions, but the legislation can justly and equitably be extended only to such of them as have, hitherto, been taken by the Sircar to be institutions of public kind, and worthy of the exercise by them of the right of Melkoima or the general superintendence of endowments vested in the Sovereign. It would, I am afraid, be considered a gross breach of faith, if other institutions, especially such institutions as have, for centuries past, been under purely private management of ancient families, in whom the Ooralmaship is hereditarily vested, are now for the first time to be brought under legislative restrictions. These latter have, for at least more than three quarters of a century, or ever since the assumption, under the regime of Col Munro, of the greater national temples in 987 M. E., been regarded as institutions belonging to Ooralens whose rights have been considered hereditary and heritable, as may be gathered from the fact of the Sircar itself having, in several instances, taken, by right of escheat, the place of Ooralens whose family became extinct, and of the Melkoima right being expressly retained only in particular institutions. I do not deny the cardinal principle which, I believe, is sought to be affirmed by the Bill, viz., that it is the undoubted right and duty of Government or Sovereign Power to interfere in the affairs of the public religious and charitable institutions, whenever such a step is found necessary for their protection and conservation. Such right and duty and are inherent in the Sovereign as *parens patrie* and are included in what is termed popularly as Melkoima, and legislative sanction may

be accorded to them; but it is one thing to possess a theoretical right and another thing to attempt to enforce such right to the detriment of private rights and interests, which have been allowed to spring up in course of time as a prescriptive right, and I doubt very much the substantial justice and the expediency of reviving, at this distance of time, the right of Merkoima over all kinds of institutions in which it has, for centuries past, been allowed to become obsolete. The precise line, however, on which legislation should proceed on a constitutional basis. i. e. without contravening and setting at naught the recognized principles underlying legislation in every civilized State, can be properly determined only after a thorough enquiry as to the Causes of the evils intended to be remedied by the legislation. Such an enquiry directed to ascertain all the causes of the suspected evils does not appear to have been hitherto made; at least there is no trace of such enquiry in any of the papers I have come across, though the learned member in charge of the Bill seems to have taken considerable pains to obtain the opinion of Government and able men, here and elsewhere, as regards the general necessity for intervention in regard to religious and charitable trust. If it is intended to proceed with the legislation precisely on the lines sketched in this Bill, that is, by including within the scope of the legislation every temple in the country in which the public have the right of worship, I should request the learned member in charge of the Bill to procure, through the agency of local revenue officials, precise and reliable information on the following points without which it is impossible to come to a definite conclusion as to the expediency and necessity of the measure :—

(1) What are the circumstances under which, and the reasons or causes for which the Sircar, during the administration of Colonel Munro as Dewan, assumed the management

of what may be called the greater national temples and left unassumed the remaining temples in the country, leaving them to private management ?

(2) In how many of these temples has there been malversation or deterioration of the endowments ?

(3) What are the causes of the direction, if any ? Are they attributable to the dishonesty or gross neglect of the private trustees or Ooralens, or to the quarrels or dissensions among them, or to difficulty of realizing the rents and profits of the endowments which consist mostly of landed property ? and

(4) What is the number of temples under private management in which the Sircar is one of the board of Ooralens and what is the number of such temples in which the Sircar has been exercising the right of Melkoima or supervision by the Sovereign Power, and in what mode has such right been hitherto exercised ?

It is superfluous to add that we should not proceed with the legislation without having all the facts before us, and that a proper diagnosis of the evils should precede the prescription of remedies. The policy of assumption by the Government directly of such of the Hindu temples as have, for centuries, been left purely under private management without any interference from the Sircar in its capacity of Melkoima, is open to considerable doubt, and from the stand-point of the general public, is not regarded as conducive to the well-being of the institutions. The trenchant remarks of eminent jurists and political economists like Bentham and Adam Smith deserve the serious consideration of this Council. The former, in his "Theory of Legislation" says, "the Government is incapable of managing specific

this, it is not easy to strictly confine the discussion to the principle without touching upon the details.

I wish to make a preliminary observation regarding the scope of the Bill. I can easily imagine the reasons for not bringing within the operation of the Bill non-Hindu religious endowments; but I fail to understand why any distinction should be observed in the matter of charitable endowments on the score of religion. Endowments for charitable purposes such as the relief of the poor, education, medical relief &c, are secular, and it appears to me that no differential treatment on the ground of the religion of their founders is just or expedient. The beneficiaries of a charitable endowment founded by a Christian or Mahomedan benefactor may be, as they very often are, Hindus, no less than Christians Mahomedans. Similarly, the beneficiaries of an endowment founded by a Hindu may be Christians or Mahomedans. Again, instances there may be, of endowments for purely secular purposes founded jointly by Hindus and non-Hindus. In British India, where the Government is so scrupulous in the matter of interference with the religion of the people, the same law applies to all classes and creeds in respect of public charity. I think, therefore, that so far as endowments, founded for exclusively secular purposes, are concerned, the same principle should apply to all.

The principle of the Bill, I take it, is contained in Section 5, which enables Government, by an executive order, to assume the management of Hindu religious and charitable endowments, in certain cases. The Council has now to decide whether the above principle is unobjectionable.

The learned Mover has told us that the object of the proposed measure is to protect the endowments from

mismanagement and provide for their better management. This object is most laudable, and cannot but commend itself to every member of this Council. I may also observe that no argument or authority is needed to convince this Council, as I am sure that nobody here entertains any doubt, that it is the right of the State to guide and enforce all public trusts and correct any abuse or misuse of such trusts. What we have to consider is, whether necessity for legislative interference exists, and if so, whether the Bill before us embodies the correct principle—in other words whether the non-Sircar. Hindu religious and charitable institutions are now so grossly mismanaged as to call for special legislation, and if so, whether the proposed measure contains the proper remedy.

As for mismanagement, "there is", to quote the words for the 'valued correspondent' referred to by the learned Mover, "no doubt a prevailing notion that religious and charity endowments have been mismanaged by private agencies." A prevailing popular notion, however, is different from digested and organic public opinion, and is often the result of misconception, error or passion. Such a notion, of course, cannot constitute a safe and sound basis for legislative action. The learned Mover has referred to the opinions of a number of respectable correspondents, and though it is probable that the correspondents, as observed by Mr. Shungrasoo byer "had in view but a few of the institutions generally well-known for their importance and large endowments," I think, these opinions, taken along with the personal testimony of the learned Mover which, considering his vast experience and knowledge, is entitled to great weight, point to the conclusion that the condition of many of the institutions is far from what it should be.

As to the causes of mismanagement, *the informations before us is vague and meagre. Of 23 memorials received by the Council (the learned Mover has first referred to 39 petitions, but have seen only 23), 12 are in favour of the Bill and the rest against it. The signatories of the latter, in whom are included such well-known names as the Ahavoor Namburipad, Paduthole Namburipad &c., totally deny the existence of gross or wilful mismanagement in Ooralma pagodas. Most of them point out that if any institutions are not properly managed, it is due, not to malversation on the part of the Ooralers (trustees), but to the difficulty they experience in recovering michavaroms, and to other causes for which the trustees are not, and cannot be, held responsible. The memorialists who advocate legislative interference, while they testify to the existence of considerable mismanagement, ascribe the mismanagement generally, not to malversation on the part of the Ooralers, but to various other cause. Damodaran Purushothaman Elayathu, for instance, refers to a pagoda (നെടുമംഗലി മേലമ്പലം), which has lost its property on account of the intrigues of a non-Hindu ryot and in spite of the earnest efforts of the trustee to preserve the endowment. Kumaramangalthu Kadambar Namboori attributes the unsatisfactory condition of the pagodas to dissension among the trustees. Edamannur Vasudevar Kadambar Namboori ascribes the mismanagement to difficulty in recovering michavaroms, to want of harmony among the trustees, &c. Turning to the opinions with which some independent and highly respectable gentlemen have favored the Council, we find that Mr. Kuruvila, aptly described by the learned Mover as "one of our retire officers, but young and highly educated, and a former member of this Council," writes:—"Devaswoms controlled by a single hereditary trustee or Ooranmakaran are comparatively free*

from decline," and he adds, that the mismanagement in Devaswoms controlled by more than one trustee is due chiefly to want of harmony among the trustees. Mr. Shungrasoobyer says:—"There is no denying the fact of deterioration, which is a common feature with all these old institutions. I am not, however, prepared to attribute it to malpractice or mismanagement" He adds:—"The Brahmin jenmis, as a class, are well-behaved, god-fearing and simple-minded. They are faithful to their family traditions and behests. It is a point of honor with them to maintain the pagodas under their charge in as good a condition as circumstances would permit." The cause of deterioration of the Devaswoms, according to him, is "the absence of anything like the facilities for the recovery of their michavaroms which exist in the collection of Government dues The High Court observe:—"The Ooralers, as a body, cannot be accused of mismanagement. The impression we have formed in the course of our judicial experience is that mismanagement prevails, to some extent, in the case of several Devaswoms in which the trustee-ship is vested in more than one joint family or house, or in which the trustees are appointed by election. The causes of such mismanagement and the consequent deterioration of the endowments are not attributable solely to the individual conduct of the trustees." The High Court proceed to examine the causes, the chief of which, in their opinion, is the difficulty experienced in recovering the dues. Mr. Ramalingom Iyer, District Judge, says:—"What is really needed is summary powers in the trustees for the realization of Devaswom michavarom and other dues."



(1) Institutions (religious and charitable) which are under the management of single trustees are generally well-managed ;

(2) Those which are under the control of a plurality of trustees are, in many cases, subject to mismanagement ;

(3) The mismanagement is generally due, not to misfeasance or malfeasance on the part of the trustees, but to other causes, of which the chief is the difficulty experienced by the trustees in recovering the mischavaroins.

I wish to guard myself from being understood as claiming for the above propositions the character of demonstrations. It is just possible that a thorough investigation may tend to disprove the above conclusions and disclose the real extent, nature and cause of the evil. All that I mean to assert is, that the evidence now before the Council points to the above conclusions.

If the diagnosis above indicated is correct, it appears to me the remedy proposed, apart from other considerations, is inadequate. Clause (b), (c) and (d) of section 5 embrace only a small proportion of the institutions Clause (a), which contains so to speak, the vital principle of the Bill, deals only with "cases of misappropriation, malfeasance, misfeasance and gross negligence in the administration of the trust." Now, the evidence before us shows that, in the vast majority of cases, the mismanagement is due, not to misappropriation, malfeasance, misfeasance or wilful neglect on the part of the trustees, but to a variety of other causes. What these causes are and how they may be dealt with can be determined only after a thorough investigation; but a remedy which leaves the principal cause of the disease untouched seems to be so comparatively little avail.

There is another and a more serious objection. The proposed remedy, while it leaves the most potent causes of the evil alone, involves, in my humble opinion, undesirable disruption of cherished associations and unnecessary interference with vested rights. Unlike in British India excepting Malabar, the Pagodas in Travancore are mostly private, *i. e.*, they belong to single families or groups of families. In this latter category are included the Ooralma pagodas, karakshetrams and oorkoils. The endowments are not *public* trusts; they are generally of the nature of devises, subject to certain charges for religious or charitable purposes, and the beneficial interest vests in the trustees subject to such charges. The managers or Ooralers are not trustees in the proper sense, that is, persons in whom the equitable, as distinguished from the legal, estate is vested. "The current orthodox conception," observe the High Court, "in Keralam, including Travancore, is that most of the Ooralma temples are the properties of the Ooralers, *though devoted for public worship*." The Bill is intended to apply to all these institutions. I do not overlook the fact that the proviso to Section 2 excludes from the operation of the Bill every Hindu temple "solely intended for the use of the founder or members of his family." But this proviso would not, in practice, put a single temple outside the purview of the Bill. As the Valia Koil Tampuran has pointed out, "there is no temple in the State which is not frequented by the public and in which offerings from the public are not coming almost daily." Nor is it possible, to quote the same high authority, "to ascertain by local enquiries, at this distance of time, whether such temples are dedicated to the public or not." I entertain serious doubts as to whether in the case of endowments of the kind above indicated, where the trusteeship is hereditary, even the misfeasance or malfeasance of the present trustees would justify the taking away of the private rights which, as observed by the High Court, "have sprung up in connection

temples in the south may well apply to the ooralma temples and karaksbetrams in the north. The High Court observe that at this distance of time it may not be possible for the hereditary chiefs and Ooranmakars of the north to give evidence of their proprietorship in the temples of which they are the hereditary managers. Well, if this the case, each case as it comes must be dealt with on the merits.

Some may say that the village tempels of large castes or communities are public temples. Now, it must be borne in mind that the word *public* is a slippery one. The village temples may be public for certain purposes and private for certain others. But in matters of property, and where civil rights are concerned, the village temples must be taken to be private institutions. Again, I must observe that the learned mover of the Bill has not drawn any distinction between public and private charities. \*The genaral rule of jurisprudence recognised by civilised nations is, that where the founder applies his own property to the creation of a pagoda or any other religious or charitable foundation, keeping the property itself and the control over it absolutely in his own hands, no trust is thereby created in favor of the public, even though the community may be greatly benefited by the arrangement. I would, therefore, clear up the mist and propose a definition of private temple and charities thus: 'No Hindu temple for other religious or charitable endowment solely intended for the use of the founder or members of his family or founded by a number of persons for their use and the use of their families or by particular castes or communities for their exclusive use, having properties or endowments supplied by the founders, which are still absolutely in their hands and solely administered by them, and on which no trust is created in favor of the public though the latter may have been greatly benefited by suffrage, shall come within the operation of this Regulation.' Such

a definition, I beg to submit, will in a great measure narrow the scope of the Bill, and will supply the test for deciding whether a given trust is public or private. It will further allay the fears and apprehensions of the public. The next question for consideration is, given a case of mismanagement of public trusts, where the Hindu general public is interested and not a class or caste, is it not the duty of Government to interfere and set matters right? I submit, Government interference is absolutely necessary in such cases, and to regulate the mode of Government interference, legislation is necessary. We must make a law. Law is the measure, the boundary between the king's prerogative and the people's liberty. I do not agree with those that say there is no need for legislation. In support of their position, they say section 511 will amply suffice. We know as a matter of fact that that section has been a dead letter all along. That section is not easily workable. No doubt, under that section the Dewan has the power to sue, or authorise others to sue. I submit, this is one mode of interference, but this is not all. This mode of interference is intended to be resorted to by Government, when the affairs of an institution are such as admit of a leisurely treatment. But suppose there are urgent cases, then, should not Government be authorised to enter and put themselves at the head of affairs? This brings us to the consideration of the *assumption* question. After giving my best thought to the matter, I am of opinion that in the interests of public trusts themselves, Government should be armed with the power of assuming public trusts, if the necessities of the case demand the exercise of that power, a power which will only be honored in the breach and not in the observance. In keeping with the dignity of Government, the retention of such a power is necessary. In the Towns Conservancy and Improvement Regulation, the 3rd para of section 5 arms the Government with the power of dissolving Committees whenever they find it necessary.

Of course, Government have not the idea of creating Committees with one hand and demolishing the same with the other. In this view of the case, I would support the principle of assumption. But I must confess that the Mover of the Bill has not properly worded section 5 of the Bill. The principle that should be inculcated and placed before the public view is the principle of Government *interference* and not of *assumption*. In my opinion, assumption is only one mode of interference. This is only a species and not a genus. Already, I have stated that proceedings under Section 511 constitute one mode of interference. There are other modes of interference, too, which would commend themselves to your mind on a little reflection. From mismanagement to assumption, it is a great leap. Mr. Kuruvila, in his letter, advocates a slight scale of punishment to the recalcitrant trustees. If trustees mis-behave, first teach them, then suspend them, then dismiss them and appoint others; appoint an officer to supervise their working or appoint a Committee over them. Thus, there are several modes of interference. If the learned Mover had adopted these of interference, and stated that, as a last resource, Government would assume, there would have been an order in the sequence of thought, and the Bill would have been less misconstrued and found more favour with many. Even now, I hope this is what the learned Mover means *i. e.* try with trustees in a given case the preliminary modes of interference already suggested, and if they fail and there is no help, resort to assumption. If this is the main principle of the Bill, I have no hesitation in giving my support to the measure. The word *assumption* has a suspicious look about it and scares away men's minds; for they are afraid that this will be the stepping-stone for incorporating all the 10,000 temples with the State. If the principle of interference be adopted as the guide, section 511 C. P. C. may be retained as a species. There is a storm of

opposition against the removal of that section, and justly so. Further, there is a hue and cry about Peishcars being directed to investigate and report on cases of mismanagement. In this particular, a remedy has been suggested by one Srinivasa Iyer of Kottayam, who recommends that in such cases a Punchayet should be appointed to investigate and that Government should act on the opinions of the Punchayet.

Another objection, that I saw in the papers, to this Bill is that, while Government is going to part with certain administrative powers to municipal bodies, this Bill aims at bringing additional work to the Government. This view is shared in by some of the learned critics. But in the view that I advocate of the scope of the Bill, whereby the sphere of private trusts will be immensely increased and that of public trusts greatly narrowed, and that even in the cases of public trusts, Government will have to try a certain number of modes of interference before the assumption power is exercised, and the enquiry antecedent to assumption must be conducted by a Punchayet composed partly of officers and partly of those interested in the trust, the fear entertained, of Government saddling itself with additional work and running counter to the principles of the Towns Conservancy and Improvement Regulation, will vanish. With these remarks, I give my support to the Bill.

Mr. Poonen—Apart from the objections to the details of the proposed enactment—and on these I do not address the Council to-day—I am not satisfied that a legitimate case for legislative activity has been made out. The interests which this measure is intended to reach are admittedly enormous. The acceptance of the principle of the Bill is tantamount to convicting of systematic dishonesty a class of people, who, if not for anything else, are distinguished for their simplicity and

inoffensive character, and who hitherto have been considered by friends and foes alike, as the most devout of Hindus. Before one can make up his mind to subscribe to the principle of a Bill fraught with such consequences, it seems to me, one must be satisfied, and that beyond the shadow of a doubt, on two points: (1) that the evil, which this measure is intended to obviate, is of such a magnitude as to justify, what I cannot help regarding as, an extraordinary act of legislative interference, and (2) that there are no means now available for remedying the evil, or that such means as now exist are inadequate to cope with the gravity of the situation. After careful study of the speech of the learned member in introducing the Bill, as well as the several communications that have been addressed to this Council in support of the measure, I am not convinced that matters are so bad as they are represented to be, or that unless the State be invested with the extraordinary powers which this Bill proposes to confer thereon, the cause of the religious and charitable trusts in the country is doomed beyond salvation. I do not think that the extent of mismanagement is so wide as to call for a measure of this character. This impression of mine, derived from a study of the papers available to the Council on the subject is, in my own case, personally, confirmed by the result of my twenty years judicial experience in the sister State of Cochin, where the conditions are similar to those obtaining here. That there is some amount of mismanagement, and also misappropriation in the administration of the foundations contemplated in the scope of the Bill, I readily grant; no one who has had opportunities of getting some measure of insight into the way things are done, can deny that. Similarly, it will be conceded that the management of Sirkar Devaswoms is not absolutely beyond criticism, and if these latter Devaswoms and their affairs were as often before

the Courts as institutions managed by private individuals or bodies were, I have no doubt that it would be found that dishonesty and fraud were evils which the power of the Sirkar and the sanctity of the place were not able to keep out altogether. It may be, that there is not a single Sirkar Devaswom so ill-managed as may be the case with the temporalities of the Thrivikramangalom Devaswom; but it certainly will not be impossible to mention Devaswoms under management of Nambudry Ooralers where the religious side of the institution is attended to with a fervour and spirit, with a regularity and splendour, unknown in the best managed Sirkar Devaswom. Both are exceptions, and neither can afford a just basis for legislative interference, one way or the other. Again, this is a measure fraught with serious consequences to a large body of persons, who, with all their failings, deserve well of the country and the people. These persons have been from time immemorial taught to look upon even the very gods enshrined in these institutions as not outside the pale of their proprietary rights. With regard to the effects which, in a sense, may be said to be dedicated to these gods, they look upon them as portions of their own Brahmswoms, subject of course to an obligation to maintain the usual pujas and other ceremonies prescribed. This idea may appear to a lawyer of the present day, as altogether untenable; but, it occurs to me that it will be doig no great violence to one's own convictions, with regard to the sanctity of trusts in general, to refer the above impression, so prevalent and so widely recognised, to a legal origin. A measure such as this will stagger these good people, and I am not satisfied that a staggerer is the proper thing to be administered to them. My second objection to the Bill has reference to the means available to the agency, which is to be entrusted with the managemant of these intitutions. Of course, the State, the Sovereign has a right to see that all public



trusts are lawfully and faithfully administered. But like every other right, this one has a co-relative duty. How has this duty been hitherto discharged? An Ooraleen may well ask the question, how it is that the State has not hitherto taken any notice of the deplorable state of affairs at Trivikramangalom, which, I understand, is not a hundred miles away from the headquarters. Surely, it had the means to set matters right. Section 511 of the Civil Procedure Code (Regulation II of 1065) was at its disposal for so many years. One or the other of the following things is plain. If the evil whose existence is so vehemently pressed by the learned Mover did really exist, not alone at Thrivikramangalom but through-out the country, the State has not been sufficiently alive to its duties as it is legitimately solicitous of its rights. How many suits has the Government instituted under the provisions of an already existing law? I am speaking under correction, but, I am told, not a single one. Or, it is manifest that the evil is not so caring as it is sought to make it out. I believe, that it was not because the State has been oblivious of its duties that there have been no such suits. On the contrary, I am satisfied that has the interests of Devaswoms at heart, and that it has not hitherto failed in its duties towards such institutions. In fact, there is an impression abroad that, in its solicitude for Devaswoms, it has sometimes not shown to similar institutions belonging to other than Hindus, the consideration which they deemed they deserved. The true explanation for this apparent inactivity of the Sirkar lies, I think, in the conviction of the Sirkar that things are not so bad as the learned Mover of the Bill would have us believe. If they are so bad let the Government enter upon a crusade, and no holier crusade can they lay their hands to than the protection and good management of the properties dedicated to religion. And if the Government find the existing means inadequate, it will be

a legitimate request for them to make, to be armed with more powers, and I, for one, shall be the first to agree to their investment with such additional powers. Now, however, it is not clear to me that the extent of the evil is of such a magnitude as calls for the proposed enactment, nor am I satisfied that the means available to the Government are inadequate or have been exhausted. For these reasons, I am unable to subscribe to the affirmation of the principle of this measure and I am constrained to vote against the motion now before the Council.

Mr. Kochukrishna Marar.—The Bill, whose principle we are asked to affirm or dis-affirm today, is a measure of very vast importance. By its means power is sought to be given to Government to transfer to itself from private agencies the management of no less than 7,758 religious and charitable endowments possessing property roughly estimated to do worth 2 crores of rupees. The interests at stake, as the learned member in charge of the Bill has put it, to the State which seeks to assume management as well as to the persons who are to give it up are, indeed, enormous, and I shall not be surprised if there be found people, not, over scrupulous as to what conclusions they draw from the promises before them, to throw out the dark suggestion that what has prompted Government to introduce the present Bill is not so much the desire to improve the existing condition of the religious and charitable institutions in Travancore as the extremely tempting prospect of making an appreciable addition to the State revenue. I know that such a suggestion is as mischievous as it is unfounded, and, if it ever comes to be made at all. We have only to accord it the treatment it deserves. It seems to me, all the same, that the disturbance that is likely to be caused in the economic condition of the country is a matter well worthy of our most serious consideration.

There are also other facts more or less important which we cannot afford to lose sight of, and prominent among them are the opinions submitted to this Council, since the publication of the Bill in Edavom last, by gentlemen who are in a position to know what they are speaking about and who are entitled to be heard with the greatest respect. Mr. Shungrasoobyer, the predecessor in office of our esteemed President, who has served this State for upwards of forty years in various capacities, is emphatic in his denunciation of the Bill. After discussing the question in all its numerous aspects, he has come to the deliberate conclusion 'that the Bill, as it stands, is objectionable in principle, that it is unnecessary, inexpedient and impolitic.' The objections raised by the learned Judges of the High Court are, to my mind, invincible. They have opposed the Bill, tooth and nail, in whole and in part, in principle and in detail. They do, indeed, admit that there is mismanagement going on in several of the religious and charitable endowments in the country, and yet it is significant they do not suggest any remedy other than the extension of the scope of Section 511 of the Civil Procedure Code on the lines indicated by them. The Valia Koil Thamburan, the premier nobleman in the State, who is second to none so far his right to speak with authority on the matter now before us is concerned, is, it may appear at the first blush, an out and out supporter of the measure: but it strikes me that the recommendation made by him in para 3 of his letter entirely alters the nature of his support. He wants private temples to be exempted from the operation of the Bill and suggests that what constitutes a private temple may be clearly defined. This suggestion, coming as it does after the observation that there will be some difficulty in distinguishing between temples dedicated to the public and temples intended for a particular family or families and that, so far as his experience goes, there is no temple in the

State which is not frequented by the public and in which offerings from the public are not coming almost daily, leaves in my mind the impression that in his—the Valia Koil Thamburan's—opinion the right of entry into a pagoda enjoyed by the public is, by no means, a sure test of its dedication to the public, that the 7,758 institutions referred to by the Mover as liable to be affected by the provisions of the Bill cannot all be brought under the category of public, religious, and charitable endowments, and that the measure of his support will depend upon the extent of the clear definition which, he thinks, should be embodied in the Bill.

working hypothesis it is not only useless—it is even likely to turn out to be a delusion and a snare—unless we further determine what those institutions are which, as coming under the category of public trusts, are liable to be taken charge of by Government. That is one of the questions of importance we have to deal with in connection with the Bill and, as I hope to be able to show presently, we cannot be too cautious or circumspect in answering it.

Like several other things, the Ooralma temples found scattered all over the country, and which it is the special object of the present Bill to protect, are institutions peculiar to Malabar. They are, to all appearance, and especially so far as the customary right which the public have acquired to go and worship therein is concerned, analogous to what are regarded as public trusts elsewhere; and yet the prevailing opinion in regard to them seems to be that the original founders never made a dedication of them in favour of the public, and that it did not form part of their intention that the institutions themselves and the properties attached to them should, at any time, be regarded as anything other than their private property, subject to a trust. I should very much have liked to furnish you with information more acceptable by reason of its being substantiated by evidence not altogether lost to us, I believe, even now. I daresay there will be found among the records of temples of some importance *grandhavaries* and other documents containing, if not direct evidence as to their origin, at least materials which will help us in coming to a reasonable conclusion in regard to it. But the Namboori Brahmins, who form 95 per cent of the Ooralers, and who are therefore the custodians of the documents relating to their Devaswoms are, by instinct as well as tradition, a class of people so slow to move that it is well-nigh hopeless to get them to produce anything, at all events, in time. I know of several respectable gentlemen of

that community, all excellent men in their own way, but only innocent of the busy whirling world and its ways, who have come and asked me, long after the Jenmi and Kudiyan regulation became law, whether they could not get it altered by appealing to the Madras Government or, if need be, to the Houses of Parliament in Great Britain. In the same manner, I am not sure they will not come forward it may be years hence, after all the Devaswoms have been assumed by the Sirkar, and represent to some people, no matter who, that the Religious Endowment Regulation is a piece of great hardship and injustice to them in that it has been the means of depriving them of properties which, though set apart for their Devaswoms, had, nevertheless, been theirs, and upon which they had been depending for their very subsistence. Seeing that the Bill has been before the public for very nearly 8 months, I may not, perhaps, ask you to wait any longer, to enable our slow moving brethren to come up with us, but in view of the grave apprehensions widely entertained by the people most concerned, that this Bill is a covert attack upon their long standing vested rights as well as of the obligation we are under to make good our declaration that we are not going to invest Government with any jurisdiction not already vested in it by law, I venture to suggest that the very first duty we have to do, in connection with the Bill, is to appoint a Commission for the purpose of drawing up a schedule of the endowments which may fairly be brought under the head of what are designated public trusts. The attempt made in the Bill to classify the seven thousand and odd endowments with reference to their character as public or private Trusts, as, I beg leave to observe, another reason which has induced me to make the suggestions. We find this somewhat ambitious work performed in sections 2 and 3. The proviso to the former defines private temples to be such as are solely intended for the use of the founder or members of his family, and public temples, those for which the Bill is indented, are, according

to the latter, temples that are dedicated to or used of right by the public.

Now, it strikes me that the above classification by means of definitions is open to what I may call a preliminary objection. Whatever it may be in other countries, in Travancore where it is difficult to find a religious institution which is not claimed as the private property of some person or body of persons, the question whether a particular pagoda is one in respect of which there has or has not been a dedication in favour of the public is always and pre-eminently a question of fact, which it is not possible to decide without the help of evidence bearing upon it and yet it is not even so much as pretended that Sections 2 and 3, which profess to shed light upon the origin and constitution of not one or two but thousands of institutions, old as well as new, but most of them very old, represent the result of any investigation. It may, however, be urged that there is a distinctive feature common to all the temples which have been declared public, and that is, the fact of their being open to the public. Yes, they are open to the public for purposes of worship, and to do that one thing, the public may have acquired a customary right; but I ask, is it always a necessary or even legitimate inference to draw therefrom that the original foundation must have partaken of the nature of a public trust? I, for my part, am unable to concede that it is either, firstly, because it does not harmonize with what we know of temples which are admittedly private and which are of comparatively recent origin, and, secondly, because there is nothing inconsistent in the converse supposition, it being a sin according to the Hindu ideas to keep out people even from a private shrine. In fact, the sanctity of a place of worship and the number of people drawn to it are supposed to act and re-act upon each other. Just as the number of worshippers having recourse to a pagoda is considered to be a

test of the sacredness of the pagoda, it is the popular belief that the sacredness of the pagoda is enhanced in proportion to the number of people going there for worship. Then, again, it appears to me that the definitions are wanting in clearness, and that they do not take us to any distance from where we started. What does the term 'solely intended for the use of the founder or members of his family,' occurring in the proviso to section 2 mean? If it denotes temples or shrines to which the public have no access, then, I hope, there will not be found people wanting to bear me out when I say that there are no such temples in Travancore. If, on the other hand, the expression has reference only to such places of worship in regard to which the public do enjoy the privilege of entering, but not as a matter of right, the places of worship themselves not having been primarily intended for them or dedicated in their favour, then, what those institutions are and how they are to be distinguished from temples declared to be public under section 3, are, again, questions which have to be determined upon evidence taken.

To proceed with the work of legislation with such a classification for our basis is, to my mind, about as prudent as taking a leap in the dark, and I would, therefore, once more suggest that what we have now to do is to appoint a commission to carefully prepare a list of the endowments which are really public, allowing the Bill to lie over in the meantime. If, however, there is no time to be lost, and we must push on as best we can with the materials now in our possession or what, individually, we may happen to know about the subject, I must urge for the exemption of at least the Ooralma temples from the operation of the law.

As regards these last-mentioned temples, I have already told you that the general impression of the people is that they are the private property of the Ooralers who are in charge of them. They are not, of course, private in the sense that they are just



intentions of the donors, to the personal use of the individuals in immediate charge of them.' The wording of the preamble is general and is sufficiently comprehensive to include all endowments which are public. Why were the temples in Malabar, which are numerous as well as rich, regarded as lying outside the pale of the Regulation? The learned Judges of our High Court say, that it was because of the substantial proprietary interest which the Rajahs and Jenmies of Malabar were supposed to have in the endowments, and they are corroborated there need be, by the very passage quoted by the learned Mover from the Report of Sir T. Muthuswami Iyer's Committee, and which forms the basis of Section 2.

Coming next to the second of the two main questions which the learned Mover has discussed and answered in his speech asking for leave to introduce the Bill, I grant there are several things connected with the present administration of religious and charitable endowments which require mending. It is affectation to deny that there is mismanagement going on; but whether it has reached such an acute stage as would justify us in diagnosing it as 'wholesale mis-appropriation and shameful mis-management' as the learned Mover has chosen to characterize it, and then applying to it the drastic remedy proposed by the Bill, is a matter which admits of considerable divergence of opinion. I have already told you what I think of the Brahmin Ooralers who are in charge of the majority of the religious endowments. With your permission, I will now quote the opinion of one to whose testimony, I am sure, you will attach very great weight. Speaking of the Brahmin Jenmies, Mr. Shungrasoobyer says that, "as a class, they are well-behaved, god-fearing and simple minded. They are faithful to their family traditions and behests. It is a point of honor with them to maintain the pagodas under their charge in as good a condition as circumstances would permit,

and nothing they regard so portentous and fatal to their salvation as the discontinuance of the poojas and connected ceremonies, or misuse of the endowments. They are known to strain themselves to the utmost in spite of all odds.' To accuse such a body of people of systematic, or to use the learned Mover's own words, 'wholesale misappropriation and shameful mismanagement' is opposed to philosophy and to fact, and, I venture to submit, that is to some extent proved by the paucity of specific instances by means of which the learned Mover has attempted to substantiate his sweeping charge. Besides the fifty-one temples and charities owning much wealth, and which, in a general way, were said to be precipitating into irreparable ruin, you will recollect that we have been favored with but one solitary instance of a temple, once rich, having been reduced to a condition of comparative poverty owing to the misconduct of Kariastans, I mean the Thrivikramangalam Devaswom, 'the lovely shrine on the banks of the Karamana river.' Now, fifty-two out of a total of over one thousand Ooralma temples is a very small number, and to infer from the mismanagement which is found to exist in respect of them that the remaining ones are also in the same unenviable predicament is, to my mind, a dangerous process. Evidence almost conclusively disproving misconduct on the part of Ooralers is furnished to us by the gentlemen, whose opinions we have invited, when they say that in the case of institutions managed by single Ooralers, there is hardly any mismanagement worth the name. That, I take it, is a very significant circumstance. If propensity to pilfering is one of the besetting sins of persons who are in charge of religious and charitable endowments, naturally speaking, we should expect to find it in a state of full development in those sole managers who, as having no one to check or control them, are masters of the situation, and yet, curiously enough, they are the very persons

This, then, is the position in which we find ourselves. We are on firm ground so far as the right of Government to interfere in the management of public trusts is concerned. But what the particular institutions are in respect of which the right is to be exercised, whether there is a justifying necessity, whether assumption by Government will produce all or any of the benefits which are expected to result from it, are questions, in regard to which, we are in a world-wide sea. Legislation, in these circumstances, is, in the words of Sir Fitz James Stephen, 'Speculative Legislation,' and I cannot find my way to give my vote in favor of it.

Mr. Nagam Aiyā —I beg to say a few words by way of reply. Because I said that there is mismanagement in some temples, it does not at all mean that I consider the whole Namboori Brahmins as guilty. Judging from the remarks of some of my learned friends here, it would look as if I were a great enemy of the Ooralar Jenmies of Travancore. On the contrary, I am the first to subscribe to the dictum of Mr. Shungrasoobyer that the Brahmin trustees are a well-meaning, pious and religious class of people, and if you wanted further evidence of my admiration for the Namboories, their simplicity, good nature and religiousness, I refer you to my published official writings, which will bear ample testimony.

In my former speeches, I have made it clear that the Bill is not intended for financial purposes, nor does Government desire to assume any temples, and yet some of my learned friends here seemed to think that Government wants to assume temples and that the existence of 7,000 and odd non-Sirkar temples is a great temptation. I will repeat that such is not the intention of Government, nor does the working of the Bill justify such statements. The law requires the utmost prudence from Trustees; so, it is really no argument that a trustee was a good-natured or

pious or well-intentioned. It is not enough if a trustee bestows the same care and solicitude upon trust-funds as he may be disposed, or it is his wont, to bestow upon his own. The duty of a trustee, says Lindley, is not to take such care only as an ordinary prudent man would take such care only himself to consider; the duty rather is to take such care as he would take, if he were minded to make an investment for the benefit of other people for whom he felt morally bound to provide. Public trustees, like private trustees, must act with the utmost prudence. As rich men, they may be a little negligent in their own affairs, but they must in no way endanger the trust estate or run any unnecessary or unusual risk.

Then, there is the gratuitous assumption made by some of my friends that all temples in Travancore are private. I have only to say that that is not the case. The present condition of things demands Government interference, and I do not ask for more than what the condition of things would require or would justify.

When it was said that out of 7,000 temples, I referred only to 52 temples of importance which are known to be mismanaged, it was not meant that no more than 52 temples were mismanaged. Why, for the matter of that, I gave an instance of only one temple in my last speech, viz., the Trivikramangalam Devaswom. But I said that 52 of these temples, owning several lakhs of rupees' worth of property are known to be ill-managed. It does not appear from the criticisms what notice Government should take of these 52 important temples. Are they to be utterly neglected? Would that be a righteous policy or a proper one? But supposing one of these temples owns for itself 5 lakhs of rupees' property, and there is mismanagement and misappropriation going on, what do you say should be done?

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## REFERENCE

1. M. K. Ramachandra Rao's Report dated 29-9-1983  
(pages 101 to 118)
2. Government Proceedings No. D. 4905 dated 25-10-1912
3. Government proceedings No. D. 952 dated 3-4-1920
4. Report of the Devaswom Separation Committee  
dated 16-6-1996
5. Statement of the case sent to the Advocate-General, Madras
6. The opinion of the Advocate-General (Novr. 22. 1921)
7. Office Note on the Advocate-General's opinion
8. The Devaswom Proclamation of 1097 (1922)
9. Press communique published with the above Proclamation
10. The Devaswom Proclamation of 1121 (1946)
11. The Devaswom (Amendment) Proclamation of 1123 (1948)
12. The Hindu Religious Endowments Act (as amended)  
1979 (1903)
13. *Settlement Final Report*
14. *The Travancore Sate Manual*
15. Travancore Law Report Vols. VIII, XI, XV, XVII, XXII.

to the strongly expressed views of my friends here present, and in consideration of the various difficulties which attend specific and definite legislation as regards cases covered by clause (a) of Section 5 of the Bill, I would suggest to Mr. Nagam Aiya, the expediency of confining the Bill to cases covered by clauses (b), (c) and (d) of Section 5, and to the other members, of affirming the principle of the Bill as regards the latter.

Mr. Nagam Aiya.—I agree to withdraw clause (a) of Section 5, especially after the remarks which fell from our learned President, and the clear exposition he has favoured us with, of the effect of the case law and Section 511 of the *Civil Procedure Code*.

In the light of the observations made by the President and the announcement from the Mover, that he was prepared to withdraw clause (a) of Section 5 of the Bill, a discussion followed as to the principle of the Bill in respect of institutions falling under clauses (b), (c) and (d), namely, those voluntarily surrendered by the trustees, those in which the Sirkar has the right of Koima or Melkoima and those that lapse to Government under the operation of the law of escheat; and it was resolved that the Bill as thus limited in scope be referred to a Select Committee with full power to modify it in any manner the Committee may deem necessary.

The principle of the Bill as thus modified having been affirmed by the Council, Mr. Nagam Aiya proposed that the Bill be referred to a Select Committee consisting of Messrs. Kunhiraman Nair, Thanu Pillai, Sivasubramonia Pillai and the Mover, to report within six months.

## REFERENCE

1. M. K. Ramachandra Rao's Report dated 29-9-1083  
(pages 101 to 118)
2. Government Proceedings No. D. 4905 dated 25-10-1912
3. Government proceedings No. D. 952 dathed 3-4-1920
4. Report of the Devaswom Separation Committee  
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